

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON HUMAN SERVICES & AGING

Call to Order: By Rep. Angela Russell, Chair, on March 21, 1991,
at 12:05 p.m.

ROLL CALL

Members Present:

Angela Russell, Chair (D)
Arlene Becker (D)
William Boharski (R)
Jan Brown (D)
Brent Cromley (D)
Tim Dowell (D)
Stella Jean Hansen (D)
Royal Johnson (R)
Betty Lou Kasten (R)
Thomas Lee (R)
Charlotte Messmore (R)
Jim Rice (R)
Wilbur Spring (R)
Carolyn Squires (D)
Jessica Stickney (D)
Bill Strizich (D)
Rolph Tunby (R)

Members Excused: Tim Whalen, Patrick Galvin, and Sheila Rice
were excused for executive action on HB 979 and HB 676.
These members were present for the remainder of the meeting.

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

Announcements: The committee met at 12:05 p.m. until 1:25 p.m.
and recessed until 3:10 p.m.

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

EXECUTIVE ACTION ON HB 979

Motion: REP. SQUIRES MOVED HB 979 DO PASS.

Discussion:

David Niss stated that there was testimony on this bill saying
the study would cost significantly more than the \$20,000 being
appropriated in page 3, section 5. Private funding would be

available to fund the additional cost of the study. There was no language in the bill authorizing the Department of Health and Environmental Sciences (DHES) to accept and expend federal or private funds. If that was the intention of the bill, it would need language authorizing DHES to accept and expend funds from federal or private, in otherwords non-state sources to conduct that study.

Motion/Vote: REP. SQUIRES moved to amend HB 979. Motion carried 16-1 with REP. KASTEN voting no.

Motion: REP. SQUIRES MOVED HB 979 DO PASS AS AMENDED.

Discussion:

REP. J. RICE stated that he talked with an employee at DHES and they indicated that many things in this bill have been done already. In addition to that, there was \$120,000 federal grant money that they were beginning to pursue this type of thing. They said they would be opponents of the bill, but they were pressed on the issue, because it was already being done.

REP. SQUIRES stated that essential health care facilities are basically covered in this bill. What is most important is that we are constantly hearing a cry from the rural areas about the availability of health care providers from the physician to the registered nurse, to any of the other health care providers. We need to put this issue to rest.

REP. LEE asked if DHES is going to do the study. Is there any question about what they are going to study. REP. J. RICE stated that this work had been done and DHES thought the work was real weak in the area of addressing staffing needs. He got the impression that the \$120,000 federal grant was already approved and was on its way. The grant money was to concentrate on studying rural Montana and the need for provision of medical services in those rural areas. Mike Craig, DHES, stated that the cooperative agreement is that the grant has been approved and DHES is waiting for the budget amendment process to allow for the state to collect the money and provide the money to Area Health Education Center (AHEC). DHES will be working with AHEC on this and we do see that not only the things that are covered in this bill but several other areas will be taken care through the cooperative agreement.

REP. JOHNSON stated that he can't find a health care provider that doesn't think this is an unnecessary expenditure of money in view of what is currently going on in DFS and the health care industry by the individual providers.

REP. MESSMORE stated that there has been a great amount of studies in the past. In this day and age of health care if we spent \$20,000, we already know what the outcome is going to be, we are under served with health care professionals in this state

and we have to compete with other states. Nurses in other states are making twice the amount that nurses in Montana are making.

Vote: Motion failed 17-0.

Motion: REP. BOHARSKI MOVED TO REVERSE THE VOTE ON HB 979 DO NOT PASS.

Motion/Vote: REP. DOWELL MADE A SUBSTITUTE MOTION HB 979 BE TABLED. Motion carried unanimously.

EXECUTIVE ACTION ON HB 676

Motion: REP. CROMLEY MOVED HB 676 DO PASS.

Motion/Vote: REP. CROMLEY moved to amend HB 676. EXHIBIT 1

Discussion:

REP. SQUIRES asked where the money to pay for this is coming from. REP. CROMLEY stated that the first preparation of the bill had the tax money from the video gambling machines and it took from the city share and the state share. This bill just takes out the state share.

REP. STICKNEY stated that this is not additional money, this is 2% of the 15% license fee that is being paid currently. Now we have reduced that to 1/2%, but it is the current fee that is in place. The state share money is what we are using up, not the city or the local share.

REP. TUNBY stated that there is approximately \$1 million in a fund called the Gambling License Fee Account. That is the fund that REP. D. BROWN was going to take \$30,000 out for a study on this whole issue. He would be opposed to taking any money out of the state share as these amendments propose. REP. STICKNEY stated that she wants this program to be funded by the gambling industry and an ongoing source or is it a one time thing.

REP. TUNBY stated that he spoke with Terry Cannon from the Justice Department. This comes from the fee on video machines and it goes into the licensed fee account and it is from this account that all regulatory functions of gambling are performed by the Department of Justice (DOJ). This would not be a long term source by any means. David Niss stated that when the subcommittee met and the only discussion with the department was using the money that would be generated by this fee. Lois Menzies, Department of Justice, stated that there is a fund for which we operate. We receive a portion of permits for video gambling machines, live bingo and keno, and live keno games. That money is deposited into that fund and we operate off that. There is an excessive amount in that fund as a result of double payment from when the switch was made from the Department of Commerce to the Department of Justice. A portion of that money

was earmarked for studies under REP. D. BROWN's bill.

REP. STICKNEY asked if this was an ongoing source of money. Ms. Menzies stated that the excess is a fixed amount. We will continue to receive a percentage or a fixed dollar amount permit fee.

Ms. Menzies stated that the amendment appropriates \$25,000 mutually to gear up the study and sets up the program that will eventually be carried on by DOI. That excess money could sustain a deduction of \$25,000, however, sources have been adequate to fund regulatory duties of DOJ and fund the division or agency or program within the DOI.

David Niss stated that based upon the decision that was made by the subcommittee, rather than to create the program immediately, it was to assign DOI, because of Kurt Chisholm's, testimony was that it would take approximately one year to study the method for licensing for counselors. The decision of the subcommittee was to delay full implementation of the program. There was no reason for the up front loan because the 1/2 of 1% being segregated from the revenue being derived from the tax was going to be taken immediately and the special account created in the bill would begin to build up that money, even though it was a substantially reduced program that was being created. That is only for the DOI to design the program. At that point the design stage of the program for the first year indicated that \$25,000 was being considered and would be sufficient for the design of the program.

REP. CROMLEY stated that we really didn't know what the eventual cost of the ongoing program would be.

REP. JOHNSON asked if it is possible to immediately ask for the special fund that has access money in it, rather than going through the General Fund. REP. STICKNEY stated that is what will probably happen. The on going program has to get the 1/2% started.

REP. SQUIRES asked what impact this would have on the video gaming people. Mr. Akey said this bill, in its amended form as proposed by the subcommittee, does not increase the video gaming tax, nor does it increase the fees used to repay. In essence it takes a portion of the states share of a video tax, which is in effect, taking General Fund money in order to start this program.

REP. JOHNSON asked what this does to the local share. Mr. Akey said it does nothing to the local share.

REP. RUSSELL stated that it seems like the committee needs to pass this bill because we want to set up a policy that we need a program to deal with gambling addictions. That study can be a part in the second year of the biennium.

REP. STRIZICH asked why we should go through all of the

percentages, why not ask for the General Fund appropriation.

REP. STICKNEY stated that this is really what we are doing. This program is being funded by the industry and as time goes on we may want to ask to underwrite what we are increasing.

REP. MESSMORE stated that this bill calls for a study and a program. There is an assumption by developing a program that the study will tell you that you have a problem.

REP. STICKNEY stated that REP. D. BROWN's bill is primarily asking for the certification for gambling addiction counselors to be studied.

Motion: REP. BOHARSKI MADE A SUBSTITUTE MOTION THAT HB 676 BE TABLED. Motion failed.

Vote: Motion on the amendment carried 16-1 with REP. LEE voting no.

Motion/Vote: REP. CROMLEY MOVED HB 676 DO PASS AS AMENDED. Motion carried. EXHIBIT 2

HEARING ON SB 326

Presentation and Opening Statement by Sponsor:

SEN. MIGNON WATERMAN, Senate District 22, Helena, stated that SB 326 expands membership on regional mental health corporations. Mental health boards oversee the activities of mental health centers in communities around the state. At the present time it is made up of commissioners and representatives. This bill would allow three additional members to serve on those boards from consumer representatives. There would be a person with severe and disabling mental illness; family members of severe and disabling mental illnesses; and one person from one of three categories, a parent or child with emotional disturbances, advocates of mental health services for the elderly, or a health care professional who would be selected to this board. The purpose of this bill is to allow consumers to have more input into their health care. There are many boards where 50% of the membership is made up of consumers. DOI pays 39% of the funding; Medicaid pays 27%; Medicare pays 2%; other agencies including schools and DFS pay approximately 5%; counties contribute approximately 6%; and clients contribute over 16% of funding for mental health boards. Since consumers are major contributors to the funding of these services, it is only appropriate that they would have the opportunity to serve on those boards.

Proponents' Testimony:

Dan Anderson, Administrator, Mental Health Division, Department of Institutions (DOI), submitted written testimony. EXHIBIT 3

Marty Onashuk, Montana Alliance for the Mentally Ill, submitted

written testimony. EXHIBIT 4

REP. CHAR MESSMORE, Mental Health Association of Montana, submitted written testimony. EXHIBIT 5

Stuart Klein, Mental Health Services, submitted written amendment. EXHIBIT 6

Suzanne Taunt, Montana Association of Mentally Ill, stated that it is very important to have a broad representation on the mental health board that is designated by state law.

Paul Meyer, Executive Director, Western Montana Regional Community Mental Health Boards, submitted written testimony. EXHIBIT 7

Greg Olson, Director, Mental Health Disability Advisory Council, stated that this is critical to any form of human service that the people receiving that service has a strong say in how that service is created and delivered.

Cliff Murphy, Mental Health Association of Montana, submitted written testimony. EXHIBIT 8

David E. Fuller, Chairman, Lewis and Clark County Board of Commissioners, submitted written testimony. EXHIBIT 9

Linda Stoll-Anderson, Member, Lewis and Clark County Board of Commissioners, submitted written testimony. EXHIBIT 9

Blake J. Wordal, Member, Lewis and Clark County Board of Commissioners, submitted written testimony. EXHIBIT 9

Kelly Moorese, Executive Director, Board of Visitors, submitted written testimony. EXHIBIT 10

Opponents' Testimony:

Donna Higgin, Commissioner, Fergus County, Advisory Board Fergus County, Member Region 3 Governing Board Mental Health Center, Member State Council Mental Health Centers, stated that Fergus County is opposed to SB 326. The county believes the law works very well the way it is. There are four designees on the regional mental health board in Billings at the present time. That center has been running successfully for 20 years and it works very well. The board is very workable at the present time.

Mona Nutting, Commissioner, Carbon County, Mental Health Advisory Board in Carbon County, Commissioner Representative to Regional Mental Health Board in Billings, urged opposition to SB 326. As a commissioner and board member, she can attest to the sensitivity they have on mentally ill people. The composition of Carbon County's Board at this time includes a person who represents family members of a person with severe and disabling

mental illnesses. The voices of our clients are being heard.

Harold Gerke, Regional 1, 2 and 3 Mental Health Centers, stated that he doesn't understand why DOI and the State of Montana should mandate any board whether it is for profit or non-profit. The mandate is not fair.

Questions From Committee Members:

REP. BECKER asked what the definition is of severe and disabling mental illness. **Mr. Anderson** stated that is a term which refers to people that have mental illnesses such as: schizophrenia and manic depressive disorders. These are the types of mental illnesses that are disabling.

REP. BECKER asked if one person has to be severe and disabling mentally ill, how can they serve on a committee. **Mr. Anderson** stated that people with serious mental illnesses during most of their lives are in a position where they can contribute fully to a board type of situation. There are certain situations, at times, where their thought processes are confused to the point where they need intensive types of care. With medication and the kinds of supportive services that are provided by mental health and rehabilitative services there are thousands of people that live in our communities that have mental illnesses.

REP. BECKER asked if there will be any problems with people volunteering to be on the board as a mentally ill person. **Mr. Anderson** stated that one thing that has happened in the last few years are that increasing numbers of people are stepping forward and saying that they have serious mental illness and they want to help people that have serious mental illnesses.

REP. CROMLEY asked what is the smallest and the largest number of members on these boards in these counties. **Mr. Anderson** stated that the smallest board, currently, is seven members and the largest board is 17 members.

REP. STICKNEY stated that the amendment offered would unable some of the members by adding additional members. **SEN. WATERMAN** stated that the Senate chose not to add this amendment. The mental health advocacy and consumers do have strong feelings about this.

REP. JOHNSON stated that the fiscal note administers the cost to the State of Montana. **SEN. WATERMAN** stated that fiscal note addresses the cost of their transportation that would be allocated through the mental health budget and then out of state monies that is paid through the mental health boards. The cost of counties would be through the mental health budget. The fiscal note would cover that.

REP. JOHNSON asked for an explanation the regional governing board in Fergus County. **Ms. Higgim** stated that the board gets

together once a month and has a financial report. We have reports from various directors and discuss programs that may be coming up. The board receives our input, comments, and votes on financial decisions, as far as purchasing buildings for various projects and programs.

REP. JOHNSON asked if there are any members of the Fergus County board who have qualifications that are mentioned in the amendment. Ms. Higgim stated that they have at least one member who is a mental health professional.

REP. JOHNSON asked what are the costs related to things kinds of additions and mandates to the board as a county commissioner, not as a person who is working for a board. Ms. Nutting stated that in Carbon County, they levy \$12,000 to the mental health center in Billings. As far as additional members, there would not be a cost reflected to the county of such, it would just be through the center in Billings. Should there be such a case that they would ask for increased funding from the county for the center, they would not be able to do it at present time, because that is in their general fund budget.

REP. JOHNSON asked how would this fit to have this many more people on your board. Ms. Nutting stated that an additional three people, when you already have 14 board members, is unwilling. Carbon County has an efficient effective board.

REP. JOHNSON asked why there was need to have this legislation. Dan Anderson stated that this has been an ongoing concern that DOI has had for a number of years. There was a need for the people who are most directly effected by the services to be represented on these boards.

Closing by Sponsor:

SEN. WATERMAN stated that those who work in the mental health field have come to recognize how very important it is to have active participation and input from people who are consumers of those services. There are a number of other county boards that are made up of consumers. She submitted testimony. EXHIBIT 11

HEARING ON SB 336

Presentation and Opening Statement by Sponsor:

SEN. BOB PIPINICH, Senate District 33, Missoula, stated that the Department of Health and Environmental Sciences (DHES) asked him to present this bill. The purpose of this bill is to get rid of confusion DHES has about laws they must follow in whether they can release health care information about an individual to someone else.

Proponents' Testimony:

Ellie Parker, Department of Health and Environmental Sciences, stated that in 1987 the Legislature adopted the Uniform Health Care Information Act, which sets the standards for a release of health care information on individuals by health care providers. State and local health departments have a lot of health care information on individuals that comes to them, not because they are providing direct health care to the public, but because these outbreaks were reported to them, schools reported status to them, or they were doing a sexually transmitted disease investigation. Since DHES had that kind of information, the reason other than because members of their staff have provided health care to someone, the Uniform Health Care Information Act didn't apply. The DHES didn't have any standards in the statute to follow the circumstances under which they had released health care information they had in their possession. Last session the Government Health Care Information Act was enacted, which applies to health care information the state department has and the local health department has. The problem that we had discussed is that some of the health care information they have is because people who are on staff gave shots to the public. In those instances those members are acting as health care providers. That information should be released only under these standards in the Uniform Information Act. Basically, the choice is determined by the way the local health departments get the information on the individual.

Opponents' Testimony: None

Questions From Committee Members: None

Closing by Sponsor:

SEN. PIPINICH stated that this bill will cleanup some of the language and will help DHES.

HEARING ON SB 311

Presentation and Opening Statement by Sponsor:

REP. JESSICA STICKNEY, House District 26, Miles City, opened the hearing for SEN. CECIL WEEDING.

Proponents' Testimony:

Jim Reid, PA.C, Montana Academy of Physicians Assistants (PAs), stated that this bill is a cleanup bill. Last Legislature, PAs were able to accomplish a significant amount in a Legislature reform, allowing that PAs cannot practice with physicians in the state. That has remarkable results and is very positive for PAs to stay in a health care facility. This bill expands the disciplinary authority of the Montana Board of Medical Examiners. Currently, under regulation and statute, the board has only one option in disciplining a PA or supervising a position for hiring under the language in the Act. This bill puts in place the same

options that are open to the Board of Medical Examiners in disciplining physicians. This bill eliminates the 30 day limit on local tenant utilization plan. The utilization plans for those doctors that describe the scope of practice of a PA. PAs currently have a provision for a local tenant utilization, which simply allows a physician to provide temporary services at a place of business, not at the PAs mutual place of business. This bill eliminates a 30 day limit allowing once having filed the paperwork within the appropriate fee for it to go on indefinitely. This bill grants to the Board of Medical Examiners, rulemaking authority to address the issue of PA students within the State of Montana.

Paul Wheeler, President, Montana Academy Physicians Assistants, stated that they have over 50 PAs practicing in the State of Montana. All of them are in support of this bill. Since 1989 PAs have doubled in number and expect that number to grow.

Jim Ahrens, President, Montana Hospital Association, stated that MHA supports this bill and they have worked closely with PAs in the past. These type of personnel PAs are very reliable.

Opponents' Testimony: None

Questions From Committee Members: None

Closing by Sponsor:

SEN. WEEDING closed on SB 311.

EXECUTIVE ACTION ON SB 311

Motion/Vote: REP. JOHNSON MOVED SB 311 BE CONCURRED IN AND BE PLACED ON THE CONSENT CALENDAR. Motion carried unanimously.

EXECUTIVE ACTION ON HB 980

Motion: REP. CROMLEY MOVED HB 980 DO PASS.

Discussion:

REP. JOHNSON asked if we need this act to designate that we need a state epidemiologist. Judith Gedrose, Department of Health and Environmental Sciences, stated that it is important to legitimize this and have it so that we cannot take it backwards. Montana has come a long way in getting a Ph.D. Epidemiologist and it serves the state the best way that we can.

Vote: Motion carried 18-2 with REPS. KASTEN and SPRING voting no.

EXECUTIVE ACTION ON HB 981

Motion: REP. WHALEN MOVED HB 981 DO PASS.

Motion: REP. WHALEN moved to amend HB 981.

Motion: REP. KASTEN MADE A SUBSTITUTE MOTION TO AMEND HB 981.

Discussion:

REP. KASTEN moved to strike all of the appropriations from HB 981.

REP. STICKNEY stated that whether it is important to keep some money in this bill that would be state money that could generate other kinds of funds to actually put this into effect. We may not want to fund this to the tune of \$5 million.

REP. RUSSELL stated that 43 organizations have supported this particular bill. The organizations felt that they could do this with \$400,000. It is real important to have a policy.

REP. MESSMORE asked if there was an estimate of how much they have for treatment of children and adolescence. Dan Anderson, Administrator, Mental Health Division, DOI, stated that on an annual basis approximately \$700,000.

Vote: Motion failed. EXHIBIT 12

Motion/Vote: REP. STICKNEY moved to amend HB 981. Motion carried 18-2 with REPS. MESSMORE and TUNBY voting no.

Page 3, section 7.
Strike: "\$3 million"
Insert: "\$400,000

Motion/Vote: REP. WHALEN MOVED HB 981 DO PASS AS AMENDED.
Motion carried 19-1 with REP. KASTEN voting no.

EXECUTIVE ACTION ON HB 978

Motion: REP. MESSMORE MOVED HB 978 DO PASS.

Motion: REP. MESSMORE moved to amend HB 978. EXHIBIT 13.
Motion carried unanimously.

Discussion:

Jean Johnson, Executive Director, Montana Association of Home for the Aging, stated there is a difference between skilled care, which is skilled nursing care and is Medicaid reimbursed. If you are in a personal care facility, if you need skilled care, and you are inappropriately placed you will be moved out of there. Those who live in personal care facilities cannot leave skilled nursing care. They need something because they can't live independently. A personal home care is much less expensive. REP. WHALEN asked what is this bill doing. Ms. Johnson stated that the community based waiver that serves people in their homes

so that they don't have to go into a skilled nursing facility. They need skilled care and if they didn't have it in their home, they would be in a nursing home. Those people in a personal care facilities need this care.

REP. WHALEN asked what is the difference between a nursing home, long term care facility, skilled care facility and a personal facility. Ms. Johnson stated that skilled care and intermediate care means nursing home. Rose Hughes stated that long term care consists of skilled care, which is the highest level of nursing care; immediate care, which is also nursing home care; and personal care, which is not nursing home care but it is long term care. REP. STICKNEY stated that because waiting in the Medicaid waiver for inhome services has been successful in keeping the elderly in the home. This is a pilot program to see if the same thing can be done with the next level of care.

Motion: REP. BOHARSKI moved to amend HB 978. Motion carried unanimously.

Page 4, line 4.

Strike: "The"

Insert: "Prior to December 31, 1991, the"

Motion/Vote: REP. MESSMORE MOVED HB 978 DO PASS AS AMENDED. Motion carried 18-2 with REPS. KASTEN and SPRING voting no.


EXECUTIVE ACTION ON SB 336

Motion/Vote: REP. STICKNEY MOVED SB 336 BE CONCURRED IN AND BE PUT ON THE CONSENT CALENDAR. Motion carried unanimously.

ADJOURNMENT

Adjournment: 5:20 p.m.


ANGELA RUSSELL, Chair


Jeanne Krumm, Secretary

AR/jck

HOUSE OF REPRESENTATIVES

HUMAN SERVICES AND AGING COMMITTEE

ROLL CALL

DATE 3-21-91

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	✓		

2:43
3-21-91
JDB

HOUSE STANDING COMMITTEE REPORT

March 21, 1991

Page 1 of 4

Mr. Speaker: We, the committee on Human Services and Aging report that House Nill 676 (first reading copy -- white) do pass as amended.

Signed: Angela Russell
Angela Russell, Chairman

And, that such amendments read:

1. Title, line 7.

Following: "FROM THE"

Insert: "state share of the"

2. Title, lines 8 and 9.

Strike: "AND FROM" on line 8 through "MACHINE" on line 9

3. Title, lines 10 and 11.

Strike: "AND GENERAL FUND LOAN TO INITIALLY FUND THE PROGRAM"

4. Title, line 11.

Strike: "SECTIONS"

Insert: "SECTION"

Strike: "AND"

5. Title, line 12.

Strike: "23-5-612"

Strike: "AN"

Strike: "DATE"

Insert: "DATES"

6. Page 2, line 5.

Strike: "and"

7. Page 2, line 7.

Strike: "."

Insert: ";

8. Page 2.

Following: line 7

Insert: "(6) criteria for determining those persons qualified to receive treatment and rehabilitation for problem and compulsive gambling, including a definition of problem and compulsive gambling, and the provision of treatment and rehabilitation services based upon ability to pay; and (7) rules for the licensing of persons providing treatment and rehabilitation for persons suffering from problem and compulsive gambling."

9. Page 2, line 18.

Strike: "Problem"

Insert: "Design and implementation of a problem"

10. Page 2, line 19 through line 9 on page 3.

Following: "(1)" on line 19

Strike: the remainder of line 19 through "program" on line 9

Insert: "The department shall design and develop a problem and compulsive gambling program. The purpose of the program is to provide for the prevention and treatment of problem and compulsive gambling in Montana. In designing and developing the program the department shall:

- (a) study similar programs in other states;
 - (b) develop a statewide plan for addressing problem and compulsive gambling;"
 - (c) study and adopt rules necessary to administer the program; and
 - (d) develop priorities for funding services and criteria for distributing program funds.
- (2) The department shall implement and administer the program for problem and compulsive gambling. In administering the program the department shall:
- (a) make services available as provided in [section 3];
 - (b) monitor the expenditure of funds by agencies and organizations receiving program funding; and
 - (c) evaluate the effectiveness of services provided through the program

11. Page 4, lines 15 through 17.

Strike: "The following" on line 15 through "2%" on line 17

Insert: "One half of 1%"

12. Page 4, lines 18 and 19.

Strike: "; and"

Insert: "must be deposited into the account."

13. Page 4, lines 20 and 21.

Strike: lines 20 and 21

14. Page 4, line 25 through line 1 on page 5.

Following: "this purpose" on line 25

Strike: the remainder of line 25 and all of line 1

Insert: "revert to the general fund on June 30 of each odd-numbered year."

15. Page 5, line 23.

Strike: "forward"

Strike: "2~~8~~"

Insert: ":(i) segregate one-third"

16. Page 5, line 24.

Following: "(3)"

Insert: "from the whole of those revenues;

(ii) subtract one half of 1% from that one-third;

(iii) forward the one half of 1%"

17. Page 6, line 1.

Following: "program"

Insert: "; and"

(iv) forward the remainder of the one-third to the general fund

18. Page 6, line 3.

Following: "~~the~~"

Insert: "two-thirds of the"

19. Page 6, lines 4 through 6.

Strike: "as follows:" on line 4 through "two-thirds" on line 6

20. Page 6, line 10.

Strike: "the net"

21. Page 6, line 12.

Following: "~~two-thirds~~"

Insert: "two-thirds"

22. Page 6, line 16 through line 20 on page 7.

Following: line 15

Strike: section 8 in its entirety

Renumber: subsequent sections

23. Page 7, line 21 through line 11 on page 8.

Following: line 20

Strike: section 9 in its entirety

Renumber: subsequent sections

24. Page 8, line 13.

Strike: "\$750,000"

Insert: "\$25,000"

25. Page 8, line 15.

Strike: "administer"

Insert: "design and develop"

26. Page 8, line 21.

Strike: "date"

Insert: "dates"

27. Page 8, lines 21 and 22.

Strike: "[This act] is effective July 1, 1991."

Insert: "(1) [Sections 1, 2(1), 4 through 7, 9] and [this section] are effective upon passage and approval.

(2) [Section 8] is effective July 1, 1991.

(3) [Section 2(2)] and [section 3] are effective July 1, 1992."

10:53
3-23-91
JDB

HOUSE STANDING COMMITTEE REPORT

March 23, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Human Services and Aging report that Senate Bill 326 (third reading copy -- blue) be concurred in as amended .

Signed: _____

Angela Russell, Chairman

Carried by: Rep. J. Brown

And, that such amendments read:

1. Title, line 8.

Following: "CORPORATIONS"

Insert: "WHICH DO NOT ALREADY INCLUDE CERTAIN CONSUMER MEMBERS"

2. Page 2, line 12.

Following: "addition,"

Insert: "unless the groups in subdivisions (a) and (b) are already represented,"

1:33
3-22-91
JDB

HOUSE STANDING COMMITTEE REPORT

March 22, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Human Services and Aging report that Senate Bill 311 (third reading copy -- blue) be concurred in and be placed on consent calendar .

Signed: Angela Russell
Angela Russell, Chairman

Carried by: Rep. Stickney

1:36
3-22-01
JDB

HOUSE STANDING COMMITTEE REPORT

March 22, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Human Services and Aging
report that House Bill 980 (first reading copy -- white) do
pass.

Signed: Angela Russell, Chairman

10:55
3-23-91
JDB

HOUSE STANDING COMMITTEE REPORT

March 23, 1991

Page 1 of 4

Mr. Speaker: We, the committee on Human Services and Aging report that House Bill 981 (first reading copy -- white) do pass as amended .

Signed: _____
Angela Russell, Chairman

And, that such amendments read:

1. Title, line 7.

Strike: "YOUTH"

Insert: "CHILDREN AND ADOLESCENTS"

2. Title, line 8 through line 9.

Strike: "INSTITUTIONS" on line 8 through first "MCA" on line 9.

Insert: "FAMILY SERVICES"

3. Page 1, line 12 through page 2, line 2.

Strike: page 1, line 12 through page 2, line 2 in their entirety

4. Pages 1 through 19.

Strike: everything following the enacting clause

Insert: "NEW SECTION Section 1. Purpose. The purpose of [sections 1 through 6] is to establish a comprehensive, coordinated, and child-centered system of services to meet the needs of children and adolescents with severe emotional disturbances. The system of services must:

(1) be community-based;

(2) ensure the rights of the child to a safe environment and to receipt of the most appropriate services in the least restrictive environment possible;

(3) acknowledge that children and adolescents with severe emotional disturbances are suffering from illnesses that are treatable and are entitled to receive treatment for themselves and services for their families from qualified and trained providers through a delivery system that recognizes the important role of the parent in treatment;

(4) be the joint responsibility of a public and private partnership; and

(5) allow for out-of-state treatment of children and

adolescents with severe emotional disturbances only when appropriate in-state treatment is not available and as a last resort, based upon clearly stated reasons acceptable to and approved by the interagency committee provided for in [section 3].

NEW SECTION. Section 2. Definitions. As used in [sections 1 through 6], the following definitions apply:

(1) "Departments" means the department of family services provided for in Title 2, chapter 15, part 24, and the department of institutions provided for in Title 2, chapter 15, part 23.

(2) "Child-centered" means that the needs and rights of the child and family direct the types and mix of services provided, preserving the family unit whenever possible.

(3) "Community-based" means that the locus of services as well as case coordination and decisionmaking responsibility, including initiative for financial responsibility, rests at the community level to the greatest extent possible.

NEW SECTION. Section 3. Comprehensive plan. The departments shall jointly develop a comprehensive plan for a system of services for children and adolescents with severe emotional disturbances. The plan must be reviewed by the state youth services council provided for in 52-1-202 and by the mental health planning council provided for in Public Law 99-660. The plan must be presented to each regular session of the legislature. The plan must include but is not limited to:

(1) establishing a definition of children and adolescents with severe emotional disturbances;

(2) identifying the system of services needed to meet the needs of children and adolescents with severe emotional disturbances in accordance with the purpose of [sections 1 through 6];

(3) establishing definitions and standards for the services included within the system of services;

(4) establishing definitions, criteria, and eligibility to be used to identify children and adolescents with severe emotional disturbances needing services;

(5) establishing the target population and number to enable a planned development and implementation of the system of services;

(6) identifying existing resources and services that may be included in the system of services;

(7) identifying the interdepartmental responsibility and coordination with other state agencies needed to provide services to children and adolescents with severe emotional

disturbances;

(8) identifying the weaknesses in the system of services and a plan for addressing them, including the associated costs;

(9) recommending a budget for the implementation of the system of services, maximizing funding from federal sources, private sources, local governments and communities, and parents;

(10) establishing standards for parent participation in the cost of services to their child or adolescent according to their ability to pay and for maximizing the use of third-party payment resources;

(11) establishing procedures to utilize existing state and local advisory councils and to expand the councils when appropriate; and

(12) establishing a review process for out-of-state referrals and establishing an interagency committee that is responsible for approving referrals.

NEW SECTION. Section 4. Interagency agreement. The departments shall establish an interagency agreement that is reviewed and amended annually for the purpose of carrying out their joint responsibilities under [sections 1 through 6]. The agreement must include but is not limited to:

(1) responsibilities, duties, and target populations of each department in the implementation of a system of services for children and adolescents with severe emotional disturbances;

(2) procedures for resolving any matters arising pursuant to the agreement or the requirements of [sections 1 through 6], including case planning, case coordination of individual service plans, and case resolution; and

(3) utilization of the resources of the departments, including shared funding, joint pilot programs provided for in [section 5], and maximized use of other sources of funds, grants, and waivers provided under federal programs.

NEW SECTION. Section 5. Pilot programs. The departments, utilizing the interagency agreement provided for in [section 4], shall develop and implement joint pilot programs to demonstrate the effectiveness of services provided in accordance with the purpose of [sections 1 through 6], to determine the cost of providing the services, and to evaluate the appropriateness of expanding the services to other areas of the state. The pilot programs must:

(1) be implemented according to a request for proposal process;

(2) be targeted toward those children and adolescents

with severe emotional disturbances who are currently in out-of-state treatment facilities or who are in imminent need of treatment; and

(3) demonstrate the ability to maximize federal, state, and private funds as well as third-party and parental payments.

NEW SECTION. Section 6. Staff assignment. The department of institutions shall assign sufficient staff resources to provide a liaison between the departments and to provide the mental health expertise to carry out the purposes of [sections 1 through 6].

NEW SECTION. Section 7. Appropriation. (1) There is appropriated to the department of family services from the general fund \$400,000 for the biennium beginning July 1, 1991.

(2) The appropriation may be used in a discretionary manner to enable the funds to be matched with available federal and other funds, grants, or gifts in order to maximize the service benefits for children and adolescents with severe emotional disturbances and to demonstrate the partnership that needs to exist between state government, local governments and communities, private providers, parents, and federal and private programs.

(3) The intent of the legislature is that these funds be expended for pilot programs provided for in [section 5]. The information gained from these programs is to be used to develop a planned and shared response to the needs of children and adolescents with severe emotional disturbances, as well as their families, and to present this response to each regular session of the legislature.

NEW SECTION. Section 8. Repealer. Section 53-4-118, MCA, is repealed.

NEW SECTION. Section 9. Codification instruction. [Sections 1 through 6] are intended to be codified as an integral part of Title 53, chapter 4, part 1, and the provisions of Title 53, chapter 4, part 1, apply to [sections 1 through 6].

NEW SECTION. Section 10. Effective date. [This act] is effective July 1, 1991."

2.40
3-22-91
JDB

HOUSE STANDING COMMITTEE REPORT

March 22, 1991

Page 1 of 2

Mr. Speaker: We, the committee on Human Services and Aging report that House Bill 978 (first reading copy -- white) do pass as amended.

Signed: _____
Angela Russell, Chairman

And, that such amendments read:

1. Page 1, line 15.

Strike: "avoid"

Insert: "delay"

Strike: "long-term"

Insert: "skilled and intermediate nursing"

2. Page 1, line 18.

Strike: "alternative" through "facilities"

Insert: "important service"

3. Page 1, line 21.

Strike: "long-term"

Insert: "skilled and intermediate nursing"

4. Page 1, lines 23 and 24.

Strike: "outside" on line 23 through "possible" on line 24

Insert: "within personal-care facilities in accordance with
licensure regulations"

5. Page 2, line 2.

Strike: "to a long-term care facility"

Insert: "skilled and intermediate nursing care facilities"

6. Page 2, line 25.

Following: "person"

Insert: "and allowed within the facilities' licensure"

March 22, 1991
Page 2 of 2

7. Page 3, line 8.
Following: "minimize"
Insert: "inappropriate"

8. Page 3, line 9.
Strike: "long-term"
Insert: "skilled and intermediate nursing"

9. Page 4, line 4.
Strike: "The"
Insert: "Prior to December 31, 1991, the"

10. Page 4.
Following: line 25
Insert: "(ii) the cost of providing personal-care facility
services;"
Renumber: subsequent subsections

135
3-22-91
JDB

HOUSE STANDING COMMITTEE REPORT

March 22, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Human Services and Aging report that Senate Bill 336 (third reading copy -- blue) be concurred in and be placed on consent calendar.

Signed: Angela Russell
Angela Russell, Chairman

Carried by: Rep. S.J. Hansen

Amendments to House Bill No. 676
First Reading Copy

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

Prepared by David S. Niss
March 13, 1991

1. Title, line 7.
Following: "FROM THE"
Insert: "state share of the"
2. Title, lines 8 and 9.
Strike: "AND FROM" on line 8 through "MACHINES" on line 9
3. Title, lines 10 and 11.
Strike: "AND GENERAL FUND LOAN TO INITIALLY FUND THE PROGRAM"
4. Title, line 11.
Strike: "SECTIONS"
Insert: "section" SECTION
Strike: "AND"
5. Title, line 12.
Strike: "23-5-612"
Strike: "AN"
Strike: "DATE"
Insert: "dates" DATES
6. Page 2, line 5.
Strike: "and"
7. Page 2, line 7.
Strike: "."
Insert: ";
8. Page 2.
Following: line 7
Insert: "(6) criteria for determining those persons qualified to receive treatment and rehabilitation for problem and compulsive gambling, including a definition of problem and compulsive gambling, and the provision of treatment and rehabilitation services based upon ability to pay; and

(7) rules for the licensing of persons providing treatment and rehabilitation for persons suffering from problem and compulsive gambling."

9. Page 2, line 18.

Strike: "Problem"

Insert: "Design and implementation of a problem"

10. Page 2, line 19 through line 9 on page 3.

Following: "(1)" on line 19

Strike: the remainder of line 19 through "program" on line 9

Insert: "The department shall design and develop a problem and compulsive gambling program. The purpose of the program is to provide for the prevention and treatment of problem and compulsive gambling in Montana. In designing and developing the program the department shall:

(a) study similar programs in other states;

(b) develop a statewide plan for addressing problem and compulsive gambling;"

(c) study and adopt rules necessary to administer the program; and

(d) develop priorities for funding services and criteria for distributing program funds.

(2) The department shall implement and administer the program for problem and compulsive gambling. In administering the program the department shall:

(a) make services available as provided in [section 3];

(b) monitor the expenditure of funds by agencies and organizations receiving program funding; and

(c) evaluate the effectiveness of services provided through the program

11. Page 4, lines 15 through 17.

Strike: "The following" on line 15 through "2%" on line 17

Insert: "One half of 1%"

12. Page 4, lines 18 and 19.

Strike: "; and"

Insert: "must be deposited into the account."

13. Page 4, lines 20 and 21.

Strike: lines 20 and 21

14. Page 4, line 25 through line 1 on page 5.

Following: "this purpose" on line 25

Strike: the remainder of line 25 and all of line 1

Insert: "revert to the general fund on June 30 of each odd-numbered year."

15. Page 5, line 23.

Strike: "forward"

Strike: "2%"

Insert: ":"

(i) segregate one-third"

16. Page 5, line 24.

Following: "(3)"

Insert: "from the whole of those revenues;

(ii) subtract one half of 1% from that one-third;

(iii) forward the one half of 1%"

17. Page 6, line 1.

Following: "program"

Insert: "; and"

(iv) forward the remainder of the one-third to the
general fund

18. Page 6, line 3.

Following: "~~the~~"

Insert: "two-thirds of the"

19. Page 6, lines 4 through 6.

Strike: "as follows:" on line 4 through "two-thirds" on line 6

20. Page 6, line 10.

Strike: "the net"

21. Page 6, line 12.

Following: "~~two-thirds~~"

Insert: "two-thirds"

22. Page 6, line 16 through line 20 on page 7.

Following: line 15

Strike: section 8 in its entirety

Re-number: subsequent sections

23. Page 7, line 21 through line 11 on page 8.

Following: line 20

Strike: section 9 in its entirety

Re-number: subsequent sections

24. Page 8, line 13.

Strike: "\$750,000"

Insert: "\$25,000"

25. Page 8, line 15.

Strike: "administer"

Insert: "design and develop"

26. Page 8, line 21.

Strike: "date"

Insert: "dates"

27. Page 8, lines 21 and 22.

Strike: "[This act] is effective July 1, 1991."

Insert: "(1) [Sections 1, 2(1), 4 through 7, 9] and [this section] are effective upon passage and approval.

(2) [Section 8] is effective July 1, 1991.

(3) [Section 2(2)] and [section 3] are effective July 1, 1992."

EXHIBIT 2
DATE 3-21-91
HB 676

HOUSE OF REPRESENTATIVES

HUMAN SERVICES COMMITTEE

ROLL CALL VOTE

DATE 3-21-91 BILL NO. HB 676 NUMBER 1

MOTION: HB 676 DO PASS AS AMENDED

NAME	AYE	NO
REP. TIM WHALEN, VICE-CHAIRMAN		
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		✓
REP. ANGELA RUSSELL, CHAIR	✓	
TOTAL	12	6

TESTIMONY ON SB 326
BY DAN ANDERSON

HOUSE HUMAN SERVICES COMMITTEE

MARCH 21, 1991

ABOUT A YEAR AGO, THE DEPARTMENT OF INSTITUTIONS CREATED A MENTAL HEALTH LAW TASK FORCE CONSISTING OF MENTAL HEALTH SERVICE PROVIDERS, A COUNTY ATTORNEY, PHYSICIANS, ADVOCATES, CONSUMERS OF MENTAL HEALTH SERVICES AND FAMILY MEMBERS OF CONSUMERS. THIS TASK FORCE REVIEWED CURRENT MENTAL HEALTH LAW AND MADE RECOMMENDATIONS FOR AREAS WHERE CHANGES SHOULD OCCUR. ONE OF THE RECOMMENDATIONS MADE BY THIS TASK FORCE TO THE DEPARTMENT WAS

THAT COMMUNITY MENTAL HEALTH CENTER BOARDS SHOULD BE EXPANDED TO INCLUDE CONSUMER MEMBERS. SB 326 REPRESENTS SOMETHING OF A COMPROMISE BETWEEN PEOPLE IN THE MENTAL HEALTH COMMUNITY WHO FEEL THAT THE BOARD MEMBERSHIP WE CURRENTLY HAVE, WHICH IS COUNTY COMMISSIONERS AND PEOPLE APPOINTED BY COUNTY COMMISSIONS, IS ADEQUATE, AND THOSE WHO FEEL THAT BOARDS OF MENTAL HEALTH CENTERS SHOULD CONSIST OF A MAJORITY OF CONSUMERS AND FAMILY MEMBERS.

THE MENTAL HEALTH SYSTEM IN MONTANA HAS UNDERGONE A

REMARKABLE TRANSFORMATION IN THE
PAST FEW YEARS. WHEN I BEGAN AT
THE DEPARTMENT OF INSTITUTIONS
NEARLY TWELVE YEARS AGO, COM-
MUNITY MENTAL HEALTH POLICY WAS
DETERMINED, ALMOST EXCLUSIVELY,
BY THE FIVE REGIONAL MENTAL
HEALTH CENTER DIRECTORS AND A
SMALL NUMBER OF BUREAUCRATS
WORKING IN THE DEPARTMENT.

THE GROWING INVOLVEMENT OF
CONSUMERS AND ADVOCATES AND
FAMILIES OF CONSUMERS IN MENTAL
HEALTH SERVICES, HAS BEEN AN
EXCITING, AND YET SOMEWHAT SCARY,
EXPERIENCE. GROUPS LIKE THE
MENTAL HEALTH ASSOCIATION OF

MONTANA, THE ALLIANCE FOR THE MENTALLY ILL AND PARENTS LETS UNITE FOR KIDS, ALONG WITH INDIVIDUAL ADVOCATES AND CONSUMERS HAVE BEEN VERY ACTIVE IN PROVIDING THEIR VIEWS OF WHAT OUR SYSTEM SHOULD BE. MANY OF THE BASIC ASSUMPTIONS AND BASIC WAYS OF DOING BUSINESS, HAVE BEEN CHALLENGED BY THE PEOPLE WHOSE LIVES HAVE BEEN MOST AFFECTED BY MENTAL ILLNESS. SOMETIMES THAT HAS BEEN UNCOMFORTABLE TO PEOPLE IN THE SYSTEM BUT I THINK THE END RESULT HAS BEEN A BETTER SYSTEM, A MORE RESPONSIBLE SYSTEM.

THE INVOLVEMENT OF CONSUMERS,

FAMILY MEMBERS AND ADVOCATES HAS
CREPT INTO A VARIETY OF DECISION-
MAKING AND ADVISORY BODIES IN THE
MENTAL HEALTH SYSTEM. THIS BILL
SEEKS TO BRING THESE VOICES ON TO
THE GOVERNING BODIES OF THE
COMMUNITY MENTAL HEALTH CENTERS.

THIS BILL WOULD EXPAND COMMUNITY
MENTAL HEALTH CENTER BOARDS A
LITTLE BIT, BY 3 MEMBERS, ON EACH
BOARD. THOSE 3 MEMBERS WOULD
INCLUDE A PERSON WITH A SEVERE AND
DISABLING MENTAL ILLNESS, A FAMILY
MEMBER OF A PERSON WITH A MENTAL
ILLNESS AND ONE ADDITIONAL PERSON
- - EITHER A PARENT OF AN
EMOTIONALLY DISABLED CHILD, A

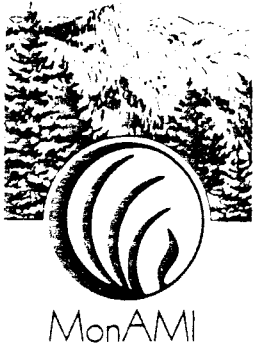
HEALTH CARE PROFESSIONAL OR AN
ADVOCATE FOR THE ELDERLY.

AS I SAID EARLIER, THIS BILL
REPRESENTS SOMETHING OF A
COMPROMISE BETWEEN THOSE WHO ARE
SATISFIED WITH THE STATUS QUO AND
THOSE WHO WOULD PROPOSE A MUCH
MORE RADICAL CHANGE IN THE
MEMBERSHIPS OF THE COMMUNITY
MENTAL HEALTH CENTER BOARDS.
THIS BILL DOES NOT IN ANY WAY
INTERFERE WITH EACH COUNTY
COMMISSION'S FREEDOM TO APPOINT
WHOMEVER THEY CHOOSE TO THE
BOARD. IT SIMPLY REQUIRES THAT 3
ADDITIONAL BOARD MEMBERS BEYOND
THE COUNTY REPRESENTATIVES BE

CHOSEN. I THINK IT IS A VERY
CONSERVATIVE, REASONABLE
APPROACH TO EMPOWERING THE
GROUPS OF PEOPLE WHO ARE MOST
DIRECTLY INVOLVED AND AFFECTED BY
THE COMMUNITY MENTAL HEALTH
SYSTEM. THIS BILL, AS WRITTEN, WAS
ENDORSED UNANIMOUSLY BY THE
MONTANA MENTAL HEALTH PLANNING
AND ADVISORY COUNCIL.

I URGE THE COMMITTEE TO SUPPORT SB
326.

March 21, 1991



House Human Services Committee

EXHIBIT 4
DATE 3-21-91
SB 326

Montana Alliance for the Mentally Ill

SUPPORTING SB 326 EXPANDING THE COMMUNITY MENTAL
HEALTH BOARD TO INCLUDE CONSTITUENTS

Chair Russell and Members of the Committee:

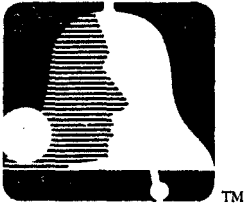
I am Marty Onishuk representing MonAMI which has eight chapters in Montana. Membership is consumers of mental illness services and their families. We support expanding the mental health center boards to include individuals who are affected by board decisions. Most boards have members with direct knowledge and interest in areas governed by the board. This board should be no different.

The county commissioners who, by statute, comprise the board now have many other duties. The CMHC board usually meets once a month for two hours and current members spend about the similar amount of time on board duties. Consumers and family members deal with the issues all day every day.

Because of other duties, the county commissioners sometimes have a conflict of interest. Do they consider the interests of persons with mental illness first, or do they first look at the cost to taxpayers? For instance, the Montana Mental Health Center Council voted to oppose HB 103 which will prohibit the jailing of the individuals before civil commitment due to mental illness, not because the bill was bad policy, but because it might cost more money. Placing a person with mental problems in jail before a court hearing seems cheaper than placing them in a hospital for treatment of the disease. The point I'm making is the needs and best interests of the mentally ill is not first consideration of many of the current board members.

We support adding a consumer, a family member and a third person chosen from professionals, advocates for the elderly and advocate for children and adolescents on the board. The Missoula AMI group has attended the regional meetings for almost two years. After an icy, antagonistic initial response, we are now welcome at each meeting and input is often solicited before decisions are made. We would like to be recognized as a valuable addition to board process by having voting seats. Until someone has been a consumer or family member of one, the stress, agony and hurt cannot be imagined. We have much to offer. We belong on the MHC Boards. We are pleased the Region IV, Helena, and Region V, Missoula, boards are on record in supporting SB 326.

Marty Onishuk
5855 Pinewood Lane
Missoula, Mt. 59803
251-2754



Mental Health Association of Montana

A Division of the National Mental Health Association

State Headquarters • 555 Fuller Avenue • Helena, Montana 59601 • (406) 442-4276

EXHIBIT 5
DATE 3-21-91
SB 326

TESTIMONY BEFORE THE HOUSE HUMAN SERVICES COMMITTEE
by REPRESENTATIVE CHAR MESSMORE
on behalf of the
MENTAL HEALTH ASSOCIATION OF MONTANA

Chairwoman Russell and Membe

ties:

For the record, I am Re *Bill* re, House District 38, Great
Falls. I am on the Board o *Bill* are to represent the Mental
Health Association of Monta *Bill* ssociation of Montana strongly
supports Senate Bill 326.

Currently, members of the boards of directors of the regional mental health centers are exclusively appointed as representatives of the counties participating in the regional center services.

Senate Bill 326 adds three new positions to the governing boards of mental health centers. It adds a primary consumer (a person who has received or is receiving treatment for a severe and disabling mental illness), a family member of a primary consumer and also adds one other position which would be either a parent of a child with an emotional disturbance, an advocate for the elderly or a health care professional.

Senate Bill 326 adds, in addition to, AND NOT IN LIEU OF, three members at large to the boards of directors. If a board has ten participating counties, then its new composition would include thirteen, not ten members. This assures that each participating county will continue to have equal geographic representation on the board.

Senate Bill 326 adds positions to the boards of mental health centers in a manner that provides administrative flexibility to the boards; the bill allows each board to add members according to its own bylaws.

(3) Upon the establishment of the mental health regions, the county commissioners in each of the ~~participating~~ counties in the region, ~~--as defined in subsection (5)--~~ designated as participating counties pursuant to subsection (8), shall ~~designate~~ appoint a person from their respective county to serve as a representative of the county on the regional mental health corporation board. The Board must include three members representative of three of the following groups:

- (a) persons with severe and disabling mental illnesses;
- (b) family members of persons with severe and disabling mental illnesses;
- (c) parents of children with emotional disturbances;
- (d) advocates of mental health services for the elderly; and
- (e) health care professionals.

(4) If the board composition does not represent three of the above groups, then additional appropriate members must be added according to the corporate bylaws.

western montana regional community
MENTAL HEALTH CENTER

T-12--Fort Missoula
Missoula, MT 59801-7298

EXHIBIT 7
DATE 3-21-91
SB 326

To: Representative Russell and Members of the Committee
From: Paul Meyer, Executive Director, Western Montana
Regional Community Mental Health Center
Date: March 21, 1991
Re: SB 326 - Expanding membership on Community Mental
Health Boards

Dear Representative Russell,

In November of 1990 the Board of Directors of the Western Montana Regional Community Mental Health Board voted in support of legislation which would expand membership of a Community Mental Health Board by up to three members. The Board of Directors made its decision with the understanding and background knowledge that consumers of service and family members of consumers should be directly involved in the policy body which oversees and directs the community mental health services which so directly effect their lives. The current Board is made up entirely of County Commissioners (one from each of the 7 participating counties) and has done an excellent job of promoting and directing comprehensive mental health services responsive to all mental health needs within their respective counties.

I believe that the job of balancing fixed budgets against a seemingly endless list of local service needs should be done with the assistance of people who understand first hand which services work effectively and which services are not effective. Hence, I support policy board membership for persons knowledgeable on a first hand basis about services. My personal experience in other states (Wisconsin and South Dakota) which have Mental Health Boards which include consumer and family members as Board members is that there is more attention to the values which underlay services, increased scrutiny of local programs, more questioning about which services are working and why they are more effective, and a better sense of "local ownership" and local responsiveness. I also believe that a better informed public, including advocates and family members leads to better public support for community mental health efforts. The bottom line for me personally is that I have worked in community mental health systems for the past 20 years and I believe that consumers and family members make responsible and knowledgeable decisions as board members and as advocates for improved services.



**Working for
Montana's
Mental
Health**

Board Members

President

Nona Chambers
Lewistown

President-Elect

Graydon (Brodie) Moll
Ronan

Vice President

Char Messmore
Great Falls

Treasurer

Mardi Millions
Helena

Past President

Carroll Jenkins
Helena

Ed Amberg

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Edith Gronhord

Billings

James Dorr Johnson
Butte

Maralyn Kailey
Missoula

Dorothy Leonard
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LuAnn McLain
Haure

Kelly Moore
Helena

Tom Peterson

Miles City

Mary Piper
Bozeman

Dick Prugh
Bozeman

Mary Alice Rehbein
Lambert

Connie Skiftun
Helena

Joy Wicks

Lewistown

Eleanor Yurkovich
Great Falls

Executive Director

Joy McGrath

National M.H.A.

Board/Committee
Carroll Jenkins

Helena

Joan-Nell Macfadden
Great Falls

Chapters in:

Billings

Daniels County
Great Falls

Helena

Pondera County
Sheridan County

Sweet Grass-Stillwater

Counies

EXHIBIT 8
DATE 3-21-91
SB 326

Mental Health Association of Montana

A Division of the National Mental Health Association

State Headquarters • 555 Fuller Avenue • Helena, Montana 59601
(406) 442-4276 • Toll-Free 1-800-823-MHAM

TESTIMONY BEFORE THE SENATE PUBLIC HEALTH COMMITTEE
by CLIFF MURPHY
on behalf of the

MENTAL HEALTH ASSOCIATION OF MONTANA
555 Fuller Ave, Helena, MT 59601 442-4276

Chairwoman Eck and Members of the Committee,

I am
~~My name is~~ Cliff Murphy from Billings. I represent the

Mental Health Association of Montana. The Mental Health
Association of Montana strongly supports Senate Bill 326.

Currently, members of the boards of directors of the region-
al mental health centers are exclusively appointed as repre-
sentatives of the counties participating in the regional
center. Senate Bill 326 adds three consumers and/or provid-
ers of mental services to the boards
health professionals

Senate Bill 326 adds, in addition to, AND NOT IN LIEU
OF, three members at large to the boards of directors. If a
board has ten participating counties, then its new composi-
tion would include thirteen, not ten members. This assures
that each participating county will continue to have equal
geographic representation on the board.

Senate Bill 326 adds consumers and
professionals
services to the boards of mental health centers in a manner
that provides administrative flexibility to the boards; the
bill allows each board to add members according to its own
bylaws.

Adding consumers will give the boards a unique and ongoing perspective as to how best direct mental health services at the community level across Montana.

Opposition to this legislation will probably take a couple of forms:

First, there is concern that this bill will upset the geographic balance of "counties" on the community mental health center board. Senate Bill 326 wears geographic blinders; it seeks to add knowledge to the boards' decision making processes. It does not seek to enhance or diminish the geographic balance on any board. In fact, the bill does not require that the consumer or professional members come from any geographic place; the corporation can look to its own bylaws to for guidance and change if it wishes to keep a geographic or "county driven" balance in place.

Second, you may hear that this bill is in response to some fault with Montana's county commissioners operation of community mental health centers. Montana's county commissioners are, by and large, dedicated to providing the best mental health services possible at the local level. County commissioners are public decisions makers who traditionally seek input from people at the local level. We appreciate the fact that many county commissioners will welcome the additional knowledge and expertise that Senate Bill 326 will bring to the local mental health decision making process.

Consumers and professionals have much to offer the local ongoing decision making process. We note that the number of additional board members does not infringe upon the commissioners' representatives losing voting "control" of any community mental health center board.

The Mental Health Association of Montana asks that you include consumer and professionals on the board of local community mental health centers across Montana. We urge your support for Senate Bill 326. Thank you.



EXHIBIT 7
DATE 3-21-91

SB 326
City County Building
P.O. Box 1724
316 North Park
Helena, Montana 59624
Telephone 406/447-8304

LEWIS AND CLARK COUNTY

Board of County Commissioners

March 20, 1991

House Human Services Committee
The Honorable Representative Angela Russell, Chairwoman
Room 312-2 - Capitol Building
Helena, MT 59620

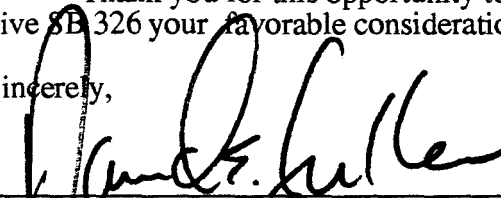
Dear Representative Russell and Committee Members:

We wish to take this opportunity to support Senator Mignon Waterman's legislation - SB 326- expanding the board membership of regional mental health corporations. We believe that expanding the board to include a broader range of mental health interests will be beneficial to the operation of the mental health services in the State of Montana. In particular, we believe the perspectives of clients, family members and mental health service advocates will provide a very positive diversity of views.

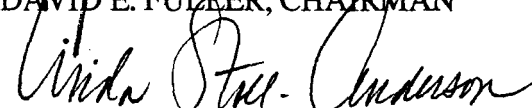
Lastly, we wish to speak to the issue of availability of candidates for these boards. Lewis & Clark County is very fortunate in that we have always had a great number of well-qualified applicants to represent us on our regional mental health corporation. It has always been the case in our county that we have had far more excellent applicants than we have had positions to fill.

Thank you for this opportunity to present our views on this legislation. We hope you will give SB 326 your favorable consideration.

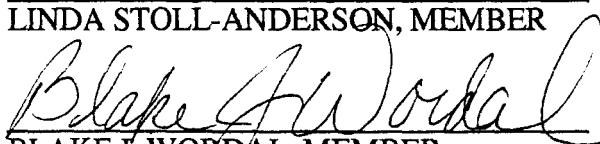
Sincerely,



DAVID E. FULLER, CHAIRMAN



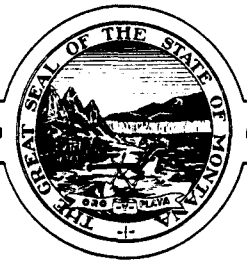
LINDA STOLL-ANDERSON, MEMBER



BLAKE J. WORDAL, MEMBER

OFFICE OF THE GOVERNOR
MENTAL DISABILITIES BOARD OF VISITORS

EXHIBIT 10
DATE 3-21-91
#B 326



STAN STEPHENS, GOVERNOR

CAPITOL STATION

STATE OF MONTANA

(406) 444-3955
OR TOLL FREE 1-(800)-332-2272

HELENA, MONTANA 59620

25 March 1991

Representative Angela Russell, Chair
House Human Services Committee
State Capitol,
Helena, Montana 59620

Representative Russell and Members of the Committee,

For the record my name is Kelly Moorse and I am the Executive Director of the Board of Visitors. On behalf of the Board of Visitors I wish to offer our support of Senate Bill 326 and the amendments offered by the Senate Public Health Committee.

As an advocacy agency, we feel this bill and the Patient Bill of Rights are two of the most important pieces of mental health legislation this session, in that they directly affect the people who live with a mental illness.

A similar bill was before this committee in 1987 and it was defeated. Since that time, the consumer voice in Montana has become stronger, the family movement has significantly grown and both have taken a very active role in mental health issues, policy development and implementation.

Who better qualified to comment on the quality and/or quantity of mental health services than the consumer or a family member who has direct knowledge of the need for services? Who better qualified to participate and make decisions that will affect regional mental health services? The contributions of consumers and family members are invaluable in improving our mental health delivery system. Their voice will help make a difference.

We urge your support of Senate Bill 326 as it is currently proposed.

Respectfully submitted,

A handwritten signature in cursive script that reads "Kelly Moorse".

Kelly Moorse
Executive Director

MENTAL HEALTH SYSTEM (as of 11/01/88)

REGION II

Population - 143,510
Sq. Miles - 24,103

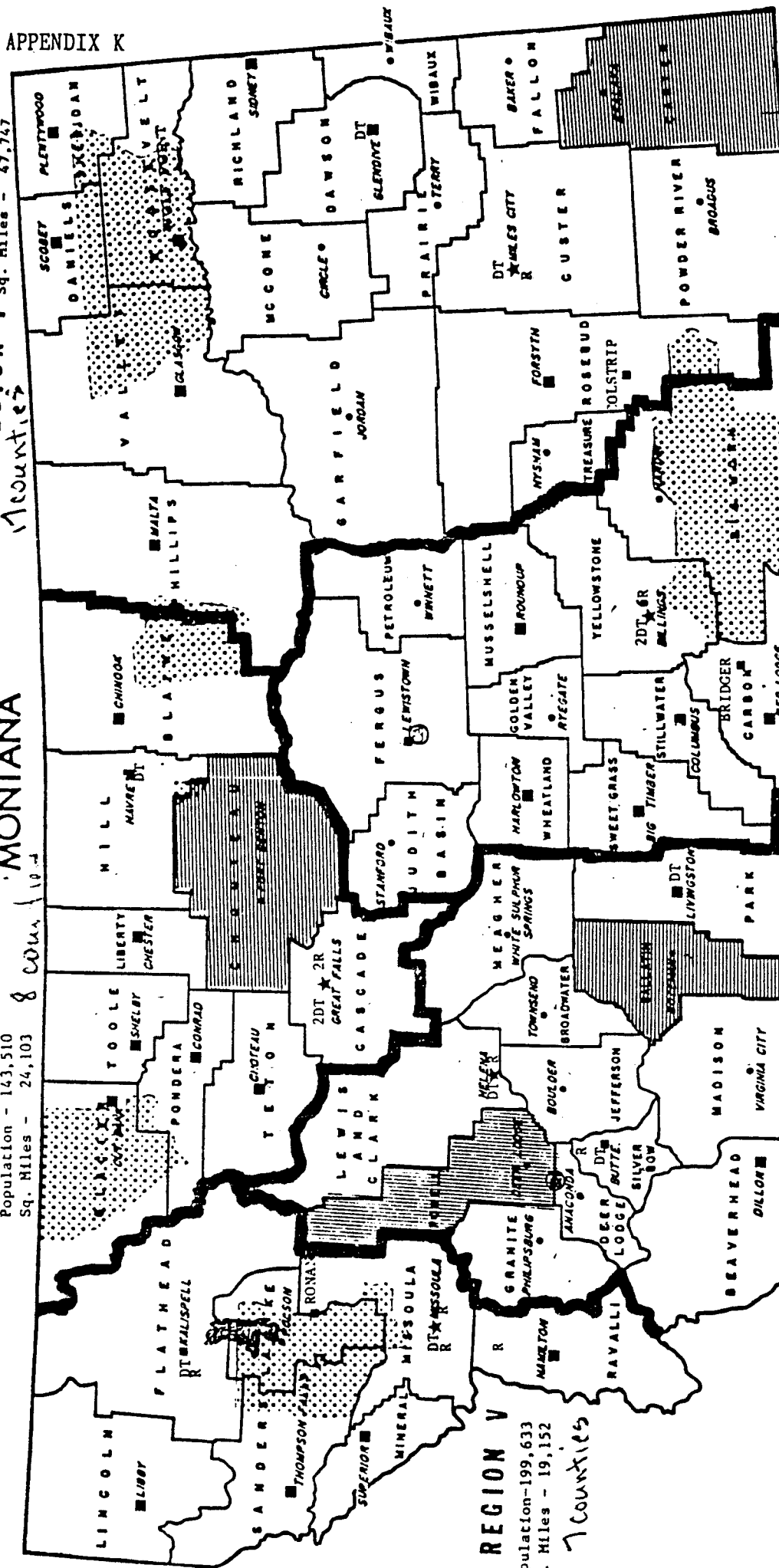
8 counties

MONTANA

REGION I

Population - 98,122
Sq. Miles - 47,747

10 counties



Population - 160,234
Sq. Miles - 25,637

11 counties

★ CMHC
■ CMHC SATELLITE
ⓐ CENTER FOR THE AGED
ⓑ STATE HOSPITAL

DT DAY TREATMENT

R RESIDENTIAL
F FACILITY

INDIAN RESERVATIONS

NON-PARTICIPATING COUNTIES

EXHIBIT 11

DATE 3-21-91

DB 376

REGION IV

Population - 185,191
Sq. Miles - 28,753

11 counties

REGION V

Population - 199,633
Sq. Miles - 19,152

7 counties

now Participates

now Participates

EXHIBIT 12
DATE 3-21-91
HB 981

HOUSE OF REPRESENTATIVES

HUMAN SERVICES COMMITTEE

ROLL CALL VOTE

DATE 3-21-91 BILL NO. HB981 NUMBER 1

MOTION: To strike all appropriations in HB981 - Rep. Kasten's amendment

NAME	AYE	NO
REP. TIM WHALEN, VICE-CHAIRMAN		✓
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	✓	
REP. ANGELA RUSSELL, CHAIR		✓
TOTAL	9	11

Amendments to House Bill No. 978
First Reading Copy

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

Prepared by David S. Niss
March 21, 1991

1. Page 1, line 15.
Strike: "avoid"
Insert: "delay"
Strike: "long-term"
Insert: "skilled and intermediate nursing"
2. Page 1, line 18.
Strike: "alternative" through "facilities"
Insert: "important service"
3. Page 1, line 21.
Strike: "long-term"
Insert: "skilled and intermediate nursing"
4. Page 1, line 23.
Strike: "maintaining"
Insert: "personal-care facility services for"
5. Page 1, lines 23 and 24.
Strike: "outside" on line 23 through "possible" on line 24
6. Page 2, line 2.
Strike: "to a long-term care facility"
Insert: "skilled and intermediate nursing care facilities"
7. Page 2, line 25.
Following: "person"
Insert: "and allowed within the facilities' licensure"
8. Page 3, line 8.
Following: "minimize"
Insert: "inappropriate"
9. Page 4.
Following: line 25

Insert: "(ii) the cost of providing personal-care facility
services;"

Renumber: subsequent subsections

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

Human Services & Aging

COMMITTEE

BILL NO. SB 326DATE 3-21-91SPONSOR(S) Sen. Waterman

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
^{Silesia, MT.} MONA NUTTING 59080	CARBON CO.	SB 326	X	
Jim Reid TAC	MT. Acad. of			
Harold E. GERKE	Pres. 123 2nd St. T. Ave	SB 326	X	
Dan Anderson	Dpt. Institutions	326		X
Juganne Taunt	Mon AMI	326		X
PAUL MEYER	MENTAL WESTERN Region HEALTH CENTER	326		X
GREG A. OLSEN	DDPDC	326		✓
STUART KLEIN	Mental Health Service	326		✓

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. SB 336
 DATE 3-21-91 SPONSOR(S) Sen. Pipinich

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
<i>Ellie Parker</i>	<i>DHS</i>	<i>SB 336</i>		<input checked="" type="checkbox"/>
<i>JUDITH GEDROSE</i>	<i>Health + Environmental Science</i>	<i>SB 336</i>		<input checked="" type="checkbox"/>

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. SB 311
 DATE 3-21-91 SPONSOR(S) Sen. Weeding

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
PWHEELER DEER LODGE	MAPA	SB 311		✓
J REID PAC, Billings	MT. Academy of PAs	SB 311		✓

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