

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON HUMAN SERVICES & AGING

Call to Order: By CHAIRMAN BILL BOHARSKI, on March 12, 1993, at  
3:00 p.m.

#### ROLL CALL

##### Members Present:

Rep. Bill Boharski, Chairman (R)  
Rep. Bruce Simon, Vice Chairman (R)  
Rep. Stella Jean Hansen, Vice Chair (D)  
Rep. Beverly Barnhart (D)  
Rep. Ellen Bergman (R)  
Rep. John Bohlinger (R)  
Rep. Tim Dowell (D)  
Rep. Duane Grimes (R)  
Rep. Brad Molnar (R)  
Rep. Tom Nelson (R)  
Rep. Sheila Rice (D)  
Rep. Angela Russell (D)  
Rep. Tim Sayles (R)  
Rep. Liz Smith (R)  
Rep. Bill Strizich (D)

Members Excused: Rep. Squires

Members Absent: None

Staff Present: David Niss, Legislative Council  
Alyce Rice, Committee Secretary

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

##### Committee Business Summary:

Hearing: None  
Executive Action: SB 118, SB 121, SB 166, SB 291, SB 313,  
SB 403, SJR 11

#### EXECUTIVE ACTION ON SB 118

Motion: REP. SAYLES MOVED SB 118 BE CONCURRED IN.

Discussion: REP. SAYLES presented and explained amendments to SB  
118.

Motion/Vote: REP. SAYLES moved to adopt the amendments to SB 118. EXHIBIT 1. Voice vote was taken. Motion carried unanimously.

Discussion: REP. BARNHART presented and explained amendments to SB 118.

CHAIRMAN BOHARSKI said REP. BARNHART'S amendments would be voted on separately.

Motion: REP. BARNHART moved to adopt amendment no. 1. EXHIBIT 2.

Discussion:

REP. HANSEN said amendment no. 1 is unrealistic.

REP. SIMON said amendment no. 1 is unnecessary.

Vote: Voice vote was taken. Motion failed 3 to 12.

Discussion: CHAIRMAN BOHARSKI said amendment no. 2 is the same as REP. SAYLES' amendment so it doesn't need to be voted on again.

Motion: REP. BARNHART MOVED to adopt amendment no. 3.

Discussion: CHAIRMAN BOHARSKI said he is opposed to amendment no. 3.

REP. SIMON said amendments no. 3 and 4 are on the same subject matter and suggested that both should be voted on at the same time.

REP. BARNHART said she had no objections.

Vote: Voice vote was taken. Motion failed 7 to 7.

Motion/Vote: CHAIRMAN BOHARSKI moved to adopt an amendment to SB 118 to take care of the fiscal impact. Voice vote was taken. Motion carried unanimously.

Motion/Vote: REP. SAYLES MOVED SB 118 BE CONCURRED IN AS AMENDED. Voice vote was taken. Motion carried 14 to 2.

REP. HANSEN will carry SB 118.

EXECUTIVE ACTION ON SB 121

Motion: REP. SIMON MOVED SB 121 BE CONCURRED IN.

Motion/Vote: REP. SIMON moved to adopt amendments to SB 121. Voice vote was taken. Motion carried unanimously.

Motion/Vote: REP. SIMON MOVED SB 121 BE CONCURRED IN AS AMENDED. Voice vote was taken. Motion carried 14 TO 2. REPS. MOLNAR and SMITH voted no.

REP. STRIZICH will carry SB 121.

EXECUTIVE ACTION ON SB 166

Motion/Vote: REP. SAYLES MOVED SB 166 BE CONCURRED IN. Voice vote was taken. Motion carried unanimously.

REP. RICE will carry SB 166.

EXECUTIVE ACTION ON SB 291

Motion/Vote: REP. BARNHART MOVED SB 291 BE CONCURRED IN. Voice vote was taken. Motion carried unanimously.

REP. BARNHART will carry SB 291.

EXECUTIVE ACTION ON SB 313

Motion: REP. BOHLINGER MOVED SB 313 BE CONCURRED IN.

Motion/Vote: REP. SIMON moved to adopt amendments to SB 313. EXHIBIT 3. Voice vote was taken. Motion carried 15 to 1. REP. SAYLES voted no.

Vote: REP. SIMON MOVED SB 313 BE CONCURRED IN AS AMENDED. Voice vote was taken. Motion carried unanimously.

REP. HANSEN will carry SB 313.

EXECUTIVE ACTION ON SB 403

Motion: REP. SAYLES MOVED SB 403 BE CONCURRED IN.

Motion: CHAIRMAN BOHARSKI moved to adopt amendments to SB 403. EXHIBIT 4.

Discussion: CHAIRMAN BOHARSKI explained the amendments.

Vote: Voice vote was taken. Motion carried 13 to 3. REPS.

SIMON, BARNHART and HANSEN voted no.

Motion: REP. SAYLES MOVED SB 403 BE CONCURRED IN AS AMENDED.

Motion: CHAIRMAN BOHARSKI moved to strike the amendments the Senate added to page 12 of SB 403. Voice vote was taken. Motion carried unanimously.

Vote: SB 403 BE CONCURRED IN AS AMENDED. Voice vote was taken. Motion CARRIED 9 to 7. REPS. STRIZICH, BARNHART, SMITH, DOWELL, HANSEN, RUSSELL and SQUIRES voted no.

CHAIRMAN BOHARSKI will carry SB 403.

EXECUTIVE ACTION ON SJR 11

Motion: REP. SAYLES MOVED SJR 11 BE CONCURRED IN.

Motion: CHAIRMAN BOHARSKI moved to strike language on page 3, after the word manufacturers, through prescription drugs on line 2, of SJR 11. Voice vote was taken. Motion failed 4 to 12.

Vote: SJR 11 BE CONCURRED IN. Voice vote was taken. Motion carried 15 to 1.

REP. STRIZICH will carry SJR 11.

ADJOURNMENT

Adjournment: The meeting adjourned at 5:15 p.m.

*Wm E Boharski*

WILLIAM BOHARSKI, Chairman

*Alyce Rice*

ALYCE RICE, Secretary

WB/ar

## HOUSE OF REPRESENTATIVES

HUMAN SERVICES AND AGING

COMMITTEE

ROLL CALL

DATE

3/12/93

NAME	PRESENT	ABSENT	EXCUSED
REP. BILL BOHARSKI, CHAIRMAN	✓		
REP. BRUCE SIMON, VICE CHAIRMAN	✓		
REP. STELLA JEAN HANSEN, V. CHAIR	✓		
REP. BEVERLY BARNHART	✓		
REP. ELLEN BERGMAN	✓		
REP. JOHN BOHLINGER	✓		
REP. TIM DOWELL	✓		
REP. DUANE GRIMES	✓		
REP. BRAD MOLNAR	✓		
REP. TOM NELSON	✓		
REP. SHEILA RICE	✓		
REP. ANGELA RUSSELL	✓		
REP. TIM SAYLES	✓		
REP. LIZ SMITH	✓		
REP. CAROLYN SQUIRES			✓
REP. BILL STRIZICH	✓		

HOUSE STANDING COMMITTEE REPORT

March 13, 1993

Page 1 of 2

Mr. Speaker: We, the committee on Human Services and Aging report that Senate Bill 118 (third reading copy -- blue) be concurred in as amended .

*Wm E Boharski*

Signed: \_\_\_\_\_  
Bill Boharski, Chair

And, that such amendments read:

Carried by: Rep. Hansen

1. Title, line 8.

Following: "~~HOMES,~~"

Insert: "PROHIBITING SUPPLEMENTARY PAYMENTS FOR RESIDENTS OF  
CERTAIN PERSONAL-CARE FACILITIES;"

Strike: "AND"

2. Title, line 9.

Following: "~~76-2-411,~~"

Insert: "AND 52-1-104,"

3. Page 15, line 19.

Strike: "and"

4. Page 15, line 20.

Following: "operating a"

Insert: "category A"

5. Page 15, line 23.

Following: "facility"

Insert: "; and

(e) standards for operating a category B personal-care facility, which must include the standards for a category A personal-care facility and additional standards for assessment of residents, care planning, qualifications and training of staff, restraint use and reduction, prevention and care of pressure sores, incontinence care, and the storage and administration of drugs"

Committee Vote:

Yes 14, No 2.

*PRH*  
571216SC.Hpf

HOUSE STANDING COMMITTEE REPORT

March 13, 1993

Page 1 of 2

Mr. Speaker: We, the committee on Human Services and Aging report that Senate Bill 121 (third reading copy -- blue) be concurred in as amended .

*Wm E Boharski*

Signed: \_\_\_\_\_  
Bill Boharski, Chair

And, that such amendments read:

Carried by: Rep. Strizich

1. Title, line 6.

Following: "ACT;"

Insert: "PROVIDING DEFINITIONS;"

2. Title, line 7.

Strike: "A"

Insert: "AN ADVANCED PRACTICE REGISTERED"

3. Title, line 8.

Strike: "SPECIALIST"

4. Page 2.

Following: line 10

Insert: "(1) "Advanced practice registered nurse" means a registered professional nurse who has completed educational requirements related to the nurse's specific practice role, in addition to basic nursing education, as specified by the board pursuant to 37-8-202(5) (a)."

Renumber: subsequent subsections

5. Page 3, lines 10 and 11.

Strike: "NURSE SPECIALIST"

Insert: "advanced practice registered nurse"

Committee Vote:

Yes 14, No 1.

571212SC.Hpf

HOUSE STANDING COMMITTEE REPORT

March 13, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Human Services and Aging  
report that Senate Bill 166 (third reading copy -- blue) be  
concurrent in .

Signed: Wm E Boharski  
Bill Boharski, Chair

Carried by: Rep. S. Rice

Committee Vote:  
Yes 14, No 0.

571214SC.Hpf



HOUSE STANDING COMMITTEE REPORT

March 13, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Human Services and Aging report that Senate Bill 403 (third reading copy -- blue) be concurred in as amended.

*Wm E Boharski*

Signed: \_\_\_\_\_  
Bill Boharski, Chair

And, that such amendments read:

Carried by: Rep. Boharski

1. Title, line 8.

Following: "AND"

Insert: "EXCLUDING CERTAIN OUTPATIENT FACILITIES AND LOCAL PUBLIC HEALTH AGENCIES FROM LICENSURE BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES;"

2. Page 12, line 15.

Strike: "A"

Insert: "Except as provided in subsection (5), a"

3. Page 12, line 22 through page 13, line 1.

Strike: subsection (3) in its entirety

Renumber: subsequent subsections

4. Page 13.

Following: line 7

Insert: "(5) A license is not required for a local public health agency and for an outpatient facility that is certified by the federal government."

5. Page 13, line 8.

Strike: "[THIS ACT]"

Insert: "[Section 2(5)]"

-END-

Committee Vote:

Yes 9, No 7.

571319SC.Hpf

HOUSE STANDING COMMITTEE REPORT

March 13, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Human Services and Aging report that Senate Bill 313 (third reading copy -- blue) be concurred in as amended .

*Wm E Boharski*

Signed: \_\_\_\_\_  
Bill Boharski, Chair

And, that such amendments read:

Carried by: Rep. Hansen

1. Page 2.

Following: line 11

Insert: "(4) A resident of an adult foster family care home licensed under subsection (2) must have a signed statement, renewed on an annual basis, from a physician assistant-certified, a nurse practitioner, or a registered nurse, whose work is unrelated to the operation of the home and who:

(a) actually visited the home within the year covered by the statement;

(b) has certified that the particular needs of the resident can be adequately met in the home; and

(c) has certified that there has been no significant change in health care status that would require another level of care."

-END-

Committee Vote:  
Yes 11, No 0.

571200SC.Hpf

HOUSE STANDING COMMITTEE REPORT

March 13, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Human Services and Aging  
report that Senate Joint Resolution 11 (third reading copy --  
blue) be concurred in .

Signed: Wm E Boharski  
Bill Boharski, Chair

Carried by: Rep. Strizich

Committee Vote:  
Yes 15, No 1.

571218SC.Hpf /

Amendments to Senate Bill No. 118  
Third Reading Copy

For the Committee on Human Services and Aging

Prepared by David S. Niss  
March 12, 1993

1. Page 15, line 19.  
Strike: "and"

2. Page 15, line 20.  
Following: "operating a"  
Insert: "category A"

3. Page 15, line 23.  
Following: "facility"  
Insert: "; and

(e) standards for operating a category B personal-care facility, which must include the standards for a category A personal-care facility and additional standards for assessment of residents, care planning, qualifications and training of staff, restraint use and reduction, prevention and care of pressure sores, incontinence care, and the storage and administration of drugs"

Proposed amendments to SB 118

1. Page 14, Line 11.  
Following: "RENEWED"  
Strike: "ON AN ANNUAL BASIS"  
Insert: "AT LEAST QUARTERLY"
2. Page 15, Line 19  
Strike: "and"
3. Page 15, Line 23  
Following: "staffing,"  
Insert: "staff qualifications, training,"
4. Page 15, Line 23  
Following: "facility"  
Strike: "."  
Insert: "; and (e): a method of ensuring that facility staff are adequately trained and capable of meeting all care needs of residents in subsection (3)."

Amendments to Senate Bill No. 118  
Third Reading Copy

For the Committee on Human Services and Aging

Prepared by David S. Niss  
March 13, 1993

1. Title, line 8.

Following: "~~HOMES,~~"

Insert: "PROHIBITING SUPPLEMENTARY PAYMENTS FOR RESIDENTS OF  
CERTAIN PERSONAL-CARE FACILITIES;"

Strike: "AND"

2. Title, line 9.

Following: "~~76-2-411,~~"

Insert: "AND 52-1-104,"

3. Page 15, line 19.

Strike: "and"

4. Page 15, line 20.

Following: "operating a"

Insert: "category A"

5. Page 15, line 23.

Following: "facility"

Insert: "; and

(e) standards for operating a category B personal-care facility, which must include the standards for a category A personal-care facility and additional standards for assessment of residents, care planning, qualifications and training of staff, restraint use and reduction, prevention and care of pressure sores, incontinence care, and the storage and administration of drugs"

6. Page 26.

Following: line 9

Insert: "Section 5. Section 52-1-104, MCA, is amended to read:

"52-1-104. Department authorized to provide and set standards for supplementary payments. (1) The Except as provided in this section, the department shall have the authority to provide supplementary payments from state funds to recipients of supplemental security income for the aged, blind, or disabled under Title XVI of the Social Security Act of the United States or any future amendments thereto.

(2) The department shall have the authority to establish standards of assistance and apply them uniformly throughout the

EXHIBIT 2  
DATE 3/12/93  
1 SB 118

state and to determine individuals eligible for and the amount of such supplementary payments under federal and state guidelines.

(3) The department may not provide supplementary payments under subsection (1) for persons who are residents of category B personal-care facilities licensed pursuant to 50-5-227."

{Internal References to 52-1-104: None.}

Renumber: subsequent sections

7. Page 26, line 10.

Strike: "[This Act]"

Insert: "[Sections 1 through 4] "

Amendments to Senate Bill No. 313  
Third Reading Copy

Requested by Sen. Towe  
For the Committee on Human Services and Aging

Prepared by David S. Niss  
March 12, 1993

1. Page 2.

Following: line 11

Insert: "(4) A resident of an adult foster family care home licensed under subsection (2) must have a signed statement, renewed on an annual basis, from a physician assistant-certified, a nurse practitioner, or a registered nurse, whose work is unrelated to the operation of the home and who:

(a) actually visited the home within the year covered by the statement;

(b) has certified that the particular needs of the resident can be adequately met in the home; and

(c) has certified that there has been no significant change in health care status that would require another level of care."



Amendments to Senate Bill No. 403  
Third Reading Copy

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

Prepared by David S. Niss  
March 10, 1993

1. Title, line 8.

Following: "~~AND~~"

Insert: "EXCLUDING CERTAIN OUTPATIENT FACILITIES AND LOCAL PUBLIC  
HEALTH AGENCIES FROM LICENSURE BY THE DEPARTMENT OF HEALTH  
AND ENVIRONMENTAL SCIENCES;"

2. Page 12, line 15.

Strike: "A"

Insert: "Except as provided in subsection (6), a"

3. Page 12, line 22.

Strike: "Outpatient"

Insert: "Except as provided in subsection (6), outpatient"

4. Page 13.

Following: line 7

Insert: "(6) A license is not required for a local public health  
agency or for an outpatient facility that is certified by  
the federal government."

5. Page 13, line 8.

Strike: "[THIS ACT]"

Insert: "[Section 2(2), (3), and (6)]"

EXHIBIT 5  
DATE 3/12/93  
SB 403

Amendments to Senate Bill No. 403  
Third Reading Copy

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

Prepared by David S. Niss  
March 9, 1993

1. Page 10, lines 12 and 13.

Strike: "family planning services;"

2. Page 10, line 14.

Strike: "public health agency services; abortions;"

3. Page 10, lines 15 and 16.

Strike: "primary care center services;"