

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON HUMAN SERVICES & AGING

Call to Order: By **CHAIRMAN DUANE GRIMES**, on February 6, 1995, at 3:00 p.m.

ROLL CALL

Members Present:

Rep. Duane Grimes, Chairman (R)
Rep. John C. Bohlinger, Vice Chairman (Majority) (R)
Rep. Chris Ahner (R)
Rep. Ellen Bergman (R)
Rep. Dick Green (R)
Rep. Antoinette R. Hagener (D)
Rep. Deb Kottel (D)
Rep. Bonnie Martinez (R)
Rep. Brad Molnar (R)
Rep. Bruce T. Simon (R)
Rep. Liz Smith (R)
Rep. Susan L. Smith (R)
Rep. Loren L. Soft (R)
Rep. Kenneth Wennemar (D)

Members Excused: None

Members Absent:

Rep. Carolyn M. Squires, Vice Chairman (Minority) (D)
Rep. Bill Carey (D)

Staff Present: David Niss, Legislative Council
Jacki Sherman, Committee Secretary

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

Committee Business Summary:

Hearing: SB 120, HB 385
Executive Action: HB 89 TABLED
HB 318 DO PASS AS AMENDED
HB 301 DO PASS AS AMENDED
HB 245 TABLED

HEARING ON SB 120

Opening Statement by Sponsor:

SEN. JOHN HERTEL, SD 47, Moore, stated that the bill was an act changing the name and function of the Montana Center for the

Aged. He explained that it was a state mental health institution that is located in Lewistown. The center presently admits patients who are at least 55 years old, and they would like to change that to also allow adult patients who are younger than 55 years old. The function of the institution would change to add the admittance of patients on an involuntary basis after an examination has been taken place at Warm Springs. Voluntary admissions would still be allowed but the transfer of involuntary patients would become practice.

The center patients have all the rights of patients committed under the Mental Health Act. There are requirements for patients to be admitted to the center. They must require nursing home care, they must have a mental illness which makes it impossible to treat them in a private nursing facility, and the patients must not require active inpatient psychiatric care for their mental illness. The center has the capacity of 190 beds and 125 are presently being utilized. The patients would be placed in an environment that would be better for them instead of in a severe mental environment, and the state would be saving some money.

Proponents' Testimony:

Dan Anderson, Administrator of the Mental Health Division, Department of Corrections and Human Services. EXHIBIT 1

Kelly Moorse, Executive Director of the Board of Visitors. EXHIBIT 2

Andree Larose, Staff Attorney, Montana Advocacy Program, worked with the department and the Board of Visitors on the amendments which addressed the due process consideration and they support the bill.

Opponents' Testimony: None

Informational Testimony: None

Questions From Committee Members and Responses:

REP. BRUCE SIMON asked how the patients got out of the Montana State Hospital in Warm Springs and transferred to the Center for the Aged and were they discharged or how do they get out of the system.

Mr. Anderson replied that involuntary commitments would first go to the state hospital. If they require specialized nursing care then they are discharged and transferred to the Center for the Aged. Then the opportunity to be transferred back to the state hospital would be left open if needed.

REP. SIMON stated that involuntary commitment is usually the result of mental disease. If someone was transferred from the state hospital to the Center for the Aged, the facilities for

treating mental health problems are lacking. It provides more nursing care than mental health care.

Mr. Anderson responded that currently all the patients at the center have a mental disease in addition to needing nursing care. The difference between the facilities is that the patients in Lewistown have reached a level of stability in their mental illness that does not require intense treatment. When they are discharged from the center the patients have reached a level of stability where their behavior is under control and they are transferred to a regular nursing home.

REP. SIMON asked if these patients would be stabilized through medication and would maintenance of that medication be the key to maintaining stability. **Mr. Anderson** said yes.

REP. JOHN BOHLINGER expressed his concern that people who are placed in the facility involuntarily might act out their feelings in an aggressive way and would that maybe require extra staff to deal with that issue.

Mr. Anderson explained that there are a few outbursts and the staff deals with a certain level of aggressive behavior beyond what a typical nursing home would deal with, but not as much as might occur at the state hospital. There is a controlled access wing that is sufficient for the patients without adding more staff.

REP. BOHLINGER asked how long it would take to fill the center to capacity.

Mr. Anderson stated that he did not see the center as being filled up any time soon, if so it would happen over a long period of time as a gradual process.

{Tape: 1; Side: A; Approx. Counter: 550; Comments: NA.}

REP. ELLEN BERGMAN questioned that if Eastmont closed would the patients from there go to the Center for the Aged.

Mr. Anderson stated that he had heard that too, but did not think it was true. He explained that the patients at Eastmont were developmentally disabled and different to treat. They would probably move to community group homes.

REP. SUSAN SMITH asked for an example of the condition of a patient at the center.

Mr. Anderson answered that there were several patients with unpredictable behavior, schizophrenia and Alzheimer's Disease.

REP. BOHLINGER asked how compatible the younger population would be with the older group and do they have a sufficient mental capacity to relate to others.

Mr. Anderson explained that a number of the patients are quite social and engage in activities. There would probably not be that many younger people.

REP. LOREN SOFT asked what the age range of the patients they expect from the state hospital and what are the cost comparisons between the facilities.

Mr. Anderson replied that most of them were over 55 and eight are younger. The overall cost per day at the state hospital is around \$270 and \$80 per day at the center.

Closing by Sponsor:

SEN. JOHN HERTEL emphasized that the type of mental patients would be better served at the Center for the Aged and it would be more cost efficient.

{Tape: 1; Side: A; Approx. Counter: 760; Comments: NA.}

HEARING ON HB 385

Opening Statement by Sponsor:

REP. ROYAL JOHNSON, HD 10, Billings, stated that through the bill an attempt would be made to clarify some current problems in the law. There is also an expansion to be more effective and efficient in the collection of child support payments.

Proponents' Testimony:

Mary Ann Wellbank, Administrator of the Child Support Enforcement Division (SRS-CSED), said that HB 385 was developed to assist in the state welfare reform efforts. Their department is required to contribute an additional \$3.6 million in Aid to Families with Dependent Children (AFDC) collections, which represents a 50% increase in AFDC collections over the next two years. Their goal is to make themselves more efficient by making their operations tighter and by making the law tighter. Division activities are highly driven by law and statutory changes are necessary. Paternity needs to be established sooner for children who are born out of wedlock. HB 385 enhances the department's authority to gather information to establish paternity sooner and clarifies the state's interest in child support for AFDC cases, the state's role in working child support cases, expedites child support enforcement and safeguards all confidential information obtained in these proceedings.

{Tape: 1; Side: A-920 through B-390; Approx. Counter: 400; Comments: Ms. Wellbank walked the committee through the bill and the proposed amendment and highlighted the eight points of interest.}

Opponents' Testimony: None

Informational Testimony: None

Questions From Committee Members and Responses:

CHAIRMAN GRIMES stated that the sponsor mentioned that there were five clarifications and three expansions to the bill. He asked for further explanation of which were expansions and which were clarifications.

Ms. Wellbank explained that Section 1 on page 1 clarified that the state does not side with either party, Section 5 on page 2 is clarifying that their department needs to receive notice, Section 6 on page 3 clarifies that the assignment exists and expands the penalty for keeping the money, Section 2 on page 5 expands to allow the department to obtain information from both parties involved in the case, Section 3 on page 6 clarifies confidentiality of paternity proceedings, and Section 5 on page 7 expands on how far back child support is owed within the statutes of limitations period.

{Tape: 1; Side: B; Approx. Counter: 630; Comments: NA.}

REP. BRUCE SIMON asked what an exceptional case would entail where a hearings officer would want to expose confidential information.

Amy Pfeiffer, Attorney for CSED, told the committee that she could not think of an exceptional circumstance and that the language was taken from the Uniform Parentage Act. They wanted their language to be consistent with the court language.

REP. SIMON questioned why two different terminologies were being used in different parts of the bill to describe the same information regarding wages and earnings.

Ms. Wellbank explained that in Section 2 the terminology applies to other state departments and public records and in section eleven they applied to payors, banks or employers and includes commission.

REP. SIMON inquired what would be not be considered other income under the general terminology of wages.

Ms. Wellbank stated that the purpose of that was to clarify exactly what types of income they were looking for.

REP. SIMON asked why the language was not consistent as the same information could be given in both sections.

Ms. Wellbank answered that they would have no objection to making the information consistent.

REP. BONNIE MARTINEZ wanted to know how the new method of collecting child support would be an improvement.

Ms. Wellbank explained that they were working toward tightening up existing procedures and to make sure the division operates exclusively with statutory authority. The investigative subpoena powers will allow them to become more efficient.

{Tape: 2; Side: A; Approx. Counter: 00; Comments: NA.}

REP. MARTINEZ asked if the obligee was the client on AFDC, why would they want to look at what she has, and how much success had the department had in the past with child support collection.

Ms. Wellbank replied that there are many non-AFDC people whose assets and income cannot be assumed. The federal regulations require that all cases be treated equally. The purpose of their division is to help people get a regular child support income. Compared to other states Montana is more successful, but compared to the total AFDC there are millions of dollars in Montana and nationwide that are not being collected.

REP. JOHN BOHLINGER reiterated that \$3.6 million was needed in AFDC collections, and last year \$25 million was collected with \$17 million of that going to non-AFDC people.

REP. LIZ SMITH asked for a sample of who comprised the private collections.

Ms. Wellbank said that the division does not currently contract with any private collection agencies.

REP. L. SMITH asked about the section that stated that if a collection agency was used and full restitution was not made, then the agency would be liable to double the amount collected.

Ms. Wellbank explained that more collection agencies are getting involved and if those agencies collect money that belongs to the state, then their department needs a way to get that money back.

REP. L. SMITH inquired as to how someone who was receiving minimum wage and owed 16 years back child support could pay their debt.

Ms. Wellbank stated that if a debt accumulates, that debt is always due and owing. When their agency collects through income withholding the limit is 50% of the individual's wages. They like to seize other assets or income tax refunds that are available to pay that debt.

REP. L. SMITH asked what percentage of support cases that are owing a significant amount.

Ms. Wellbank replied that 10%-25% of children on AFDC had parents that were earning an income of over \$50,000 a year.

REP. SUSAN SMITH mentioned that it would cost about \$200 to enroll in a private agency to locate the outstanding debt of the non-AFDC obligee.

Ms. Wellbank stated that she was aware of companies that charge from \$100-\$200 just to take the application, and then they take 30% of what is collected.

REP. S. SMITH asked about the \$3.6 million that they need to collect and if that went for AFDC.

Ms. Wellbank replied that the money was the amount that the CSED needs to contribute to the overall cost neutrality for the governors' welfare reform program over eight years. All money that is collected for non-AFDC people is passed through to them and the money the CSED keeps is the state portion of the money collected from AFDC recipients. It would be better to use the CSED staff to collect the AFDC arrears. They are currently evaluating privatization opportunities.

{Tape: 2; Side: A; Approx. Counter: 450; Comments: NA.}

REP. BRAD MOLNAR asked about the assets that the CSED would be entitled to.

Ms. Wellbank explained that the obligor may have a limited number of assets and the CSED would be the first in line to receive the money available. When there are two parties competing for collection the state would be paid first and then the person with the child would receive payment.

REP. MOLNAR questioned why the obligee would need to disclose information regarding former employers and unions.

Ms. Wellbank stated that the reason for that is to verify current earnings against previous employment and to allow the CSED to gather information to calculate a support order for the obligee.

REP. MOLNAR stated that if the obligor's income determines the amount of support he is capable of making, the financial capabilities of the obligee shouldn't make any difference. **Ms. Wellbank** reiterated that the CSED looks at both parties to make it more equitable.

REP. MOLNAR clarified some of the points of the bill regarding gathering information and confidentiality that had been discussed earlier.

REP. L. SMITH asked for clarification regarding what the tribunal was and did. **Ms. Wellbank** explained that tribunal was a adjudicated body. In the division it is the administrative forum and in the court it would be the judge.

{Tape: 2; Side: B; Approx. Counter: 00 Comments: NA.}

REP. L. SMITH stated that no matter how the parties were trying to work out the problem within themselves the rights of the department were not reduced. Ms. Wellbank said that wasn't a case where the AFDC recipients were referred to the department, so the state has a financial interest.

REP. L. SMITH asked if there were other states that were adopting similar types of statutes. Ms. Wellbank said she wasn't sure which states were doing this, but that any time child support is assigned to the state, the state needs to act to protect its rights.

REP. SIMON asked Ms. Pfeiffer what special circumstances might arise to breach confidentiality in the opinion of the hearings officer. She described the scenario in which a mother alleges that a certain man is the father and he tells the department that he did have intercourse with her at that time and may be the father. He might sign an acknowledgment of paternity and they would enter an order saying that he is the father. A few years later, another man comes forward and thinks he may be the father. This man was not part of the original action and he can't get any information. That man may ask the court to give him an order opening those records.

Closing by Sponsor:

REP. ROYAL JOHNSON stated that he thought the purpose of the bill was to help the department do the job that the legislature asked them to do. If a person is paying their support that is fine but if they are not then the law is needed with as few barriers as possible.

{Tape: 2; Side: B; Approx. Counter: 225; Comments: n/a.}

EXECUTIVE ACTION ON HB 89

Motion/Vote: REP. BRAD MOLNAR MOVED TO TABLE HB 89. The motion carried unanimously.

EXECUTIVE ACTION ON HB 318

Motion: REP. JOHN BOHLINGER MOVED THAT HB 318 DO PASS. HE THEN MOVED THAT THE AMENDMENTS TO HB 318 DO PASS.

Discussion:

REP. BOHLINGER said that he and REP. BRUCE SIMON agreed that the amendments were necessary to address the concerns of the institution that they may apply for more than one permit.

Vote: Voice vote was taken. The motion carried unanimously.

Motion/Vote: REP. JOHN BOHLINGER MOVED THAT HB 381 DO PASS AS AMENDED. Voice vote was taken. The motion carried unanimously.

{Tape: 2; Side: B; Approx. Counter: 460; Comments: n/a.}

EXECUTIVE ACTION ON HB 301

Motion: REP. LOREN SOFT MOVED THAT HB 301 DO PASS. HE THEN MOVED THAT THE AMENDMENTS TO HB 301 DO PASS.

Discussion:

Roy Kemp, Vice Bureau Chief of the Department of Health and Environmental Services (DHES), walked the committee through the amendments regarding adult care foster homes.

REP. BRUCE SIMON clarified that the amendments were the same that were handed out at the hearing.

Vote: Voice vote was taken. The motion carried 15-1 with REP. S. SMITH voting no.

Motion: REP. LOREN SOFT MOVED THAT HB 310 DO PASS AS AMENDED.

Discussion:

REP. SOFT told the committee that the fiscal note was greatly exaggerated and it was now corrected and approved by the department.

REP. LIZ SMITH voiced her cost related concerns of the services that are privately contracted. She said she was opposed to expanding that level of care at this time.

CHAIRMAN GRIMES asked REP. SOFT if he was satisfied with the new fiscal note and he said that he was. He explained that this was a consolidation of four or five existing titles into one.

Vote: The motion carried 12-4 with REPS. GREEN, MARTINEZ, L. SMITH and S. SMITH voting no.

{Tape: 3; Side: A; Approx. Counter: 00; Comments: n/a.}

EXECUTIVE ACTION ON HB 245

Motion: REP. JOHN BOHLINGER MOVED THAT HB 245 DO PASS.

Discussion:

REP. BOHLINGER recommended the bill because families would be helped to stay off AFDC.

REP. CHRIS AHNER checked on daycare costs and found that while costs varied, they tended to be high. She stated that to keep people off AFDC, they needed to be supplemented for their child care costs.

CHAIRMAN GRIMES pointed out that there was not a fiscal note because of the potential savings offsetting the cost.

REP. SUSAN SMITH voiced her concern that someone could earn \$1,700 a month and still qualify for the assistance and would like to see a cap on the amount of assistance someone could receive.

REP. ELLEN BERGMAN wondered if there was a time limit that someone could collect child care and maybe it should be amended to address that.

REP. BRAD MOLNAR reiterated **REP. S. SMITH's** concern of the income level of the participants.

REP. DICK GREEN stated that it came out in testimony how much would be given to people at a certain income level and he could not support the bill.

CHAIRMAN GRIMES had information from testimony that stated that the program currently serves 32 families accounting for 51 children and all would be on welfare if it wasn't for the program.

REP. BONNIE MARTINEZ stated there needed to be a cap on the amount that would be paid in child care and she felt the woman who was out there working would not be on welfare.

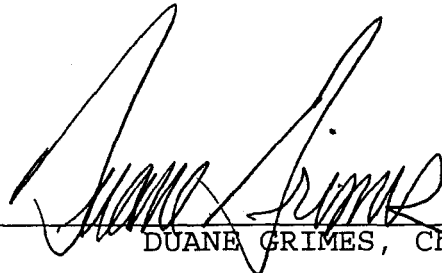
REP. S. SMITH thought the testimony was given by an organization that was a referral service that takes phone calls and will tell you where there is child care.

Motion/Vote: **REP. BRUCE SIMON** MOVED TO TABLE HB 245. The motion carried unanimously.


{Tape: 3; Side: A; Approx. Counter: 310; Comments: The committee adjourned at 5:30 p.m.}

ADJOURNMENT

Adjournment: 5:30 p.m.

A large, stylized handwritten signature in black ink, likely belonging to Duane Grimes, written over a horizontal line.

DUANE GRIMES, Chairman

A handwritten signature in black ink, likely belonging to Andrea Small, written over a horizontal line.

ANDREA SMALL, Recording Secretary

DG/as

HOUSE OF REPRESENTATIVES

Human Services and Aging

ROLL CALL

DATE 2-6-95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Duane Grimes, Chairman	✓		
Rep. John Bohlinger, Vice Chairman, Majority	✓		
Rep. Carolyn Squires, Vice Chair, Minority		✓	
Rep. Chris Ahner	✓		
Rep. Ellen Bergman	✓		
Rep. Bill Carey		✓	
Rep. Dick Green	✓		
Rep. Toni Hagener	✓		
Rep. Deb Kottel	✓		
Rep. Bonnie Martinez	✓		
Rep. Brad Molnar	✓		
Rep. Bruce Simon	✓		
Rep. Liz Smith	✓		
Rep. Susan Smith	✓		
Rep. Loren Soft	✓		
Rep. Ken Wennemar	✓		



HOUSE STANDING COMMITTEE REPORT

February 9, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Human Services and Aging report that House Bill 318 (first reading copy -- white) do pass as amended.

Signed: _____

Duane Grimes, Chair

And, that such amendments read:

1. Title, line 5.
Strike: second "A"
Strike: "PERMIT"
Insert: "PERMITS"

2. Page 1, line 20.
Strike: "a"
Strike: "permit"
Insert: "permits"

3. Page 1, line 21.
Strike: "permit"
Insert: "permits"

4. Page 1, line 24.
Strike: "An"
Insert: "Except as provided in subsection (2), an"

-END-

Committee Vote:
Yes 16, No 0.

341654SC.Hdh



HOUSE STANDING COMMITTEE REPORT

February 9, 1995

Page 1 of 3

Mr. Speaker: We, the committee on Human Services and Aging report that House Bill 301 (first reading copy -- white) do pass as amended.

Signed: _____

Duane Grimes, Chair

And, that such amendments read:

1. Title, Page 1, line 11.

Following: "SERVICES"

Insert: ", ADULT FOSTER CARE HOMES,"

2. Page 1, line 25.

Following: "foster care"

Insert: "home"

Following: "offers"

Insert: "light"

3. Page 1, line 25.

Following: "(3)"

Insert: "(a)"

4. Page 1, line 26.

Following: "home."

Insert: "(b) As used in this subsection (3), the following definitions apply:

(i) "Aged person" means a person as defined by department rule as aged.

(ii) "Custodial care" means providing a sheltered, family-type setting for an aged person or disabled adult so as to provide for the person's basic needs of food and shelter and to ensure that a specific person is available to meet those basic needs.

Committee Vote:

Yes 12, No 4.

341652SC.Hdh

(iii) "Disabled adult" means a person who is 18 years of age or older and who is defined by department rule as disabled.

(iv) "Light personal care" means assisting the aged person or disabled adult in accomplishing such personal hygiene tasks as bathing, dressing, hair grooming, and supervision of prescriptive medicine administration. The term does not include the administration of prescriptive medications.

(v) "Skilled nursing care" means 24-hour care supervised by a registered nurse or a licensed practical nurse under the orders of an attending physician."

5. Page 5, line 4.

Following: "nursing care,"

Insert: "residential care,"

6. Page 5, line 6.

Following: "~~52-3-303~~"

Strike: "residential care facilities"

7. Page 13, line 21.

Following: "residential care facilities"

Insert: "as defined in 50-5-101"

8. Page 15, Line 16.

Following: "home"

Strike: "may"

Insert: "shall"

9. Page 15, following line 18.

Insert: "NEW SECTION. Section 12. Standards for adult foster care homes. The department may adopt rules establishing standards for the licensing of adult foster care homes. The standards must provide for the safety and comfort of the residents and may be adopted by the department only after receiving the advice and recommendations of the state fire prevention and investigation program of the department of justice in relation to fire and safety requirements for adult foster care homes."

NEW SECTION. Section 13. Limitation on care provided in adult foster care home. (1) Except as provided in this section, the types of care offered by adult foster care homes is limited to light personal care or custodial care and may not include skilled nursing care.

(2) An adult foster care home may be licensed to provide care for an adult who resided in the home for at least 1 year before reaching 18 years of age, even though the adult is:

(a) in need of skilled nursing care;

(b) in need of medical, physical, or chemical restraint;
(c) nonambulatory or bedridden;
(d) incontinent to the extent that bowel or bladder control is absent; or

(e) unable to self-administer medications.

(3) An adult foster care home that applies for a license under subsection (2) must have a signed statement from a physician agreeing that the care needed by the adult may be provided in the home.

(4) A resident of an adult foster care home licensed under subsection (2) must have a signed statement, renewed on an annual basis, from a physician, 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."

Renumber: subsequent sections

10. Page 15, lines 23 and 25.

Strike: "and 11"

Insert: "through 13"

-END-

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Human Services and Aging Committee

DATE 2-6-95 BILL NO. HB 301 ~~800~~ NUMBER

MOTION: Amendments 'Do Pass'

John Bohlinger made motion

John Bohlinger made motion "Do Pass as Amended"

NAME	AYE	NO
Rep. Duane Grimes, Chairman	✓	
Rep. John Bohlinger, Vice Chairman, Majority	✓	
Rep. Carolyn Squires, Vice Chairman, Minority	✓	
Rep. Chris Ahner	✓	
Rep. Ellen Bergman	✓	
Rep. Bill Carey	✓	
Rep. Dick Green	✓	
Rep. Toni Hagener	✓	
Rep. Deb Kottel	✓	
Rep. Bonnie Martinez	✓	
Rep. Brad Molnar	✓	
Rep. Bruce Simon	✓	
Rep. Liz Smith	✓	
Rep. Susan Smith		✓
Rep. Loren Soft	✓	
Rep. Ken Wennemar	✓	

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Human Services and Aging Committee

DATE 2-6-95 BILL NO. HB 301 NUMBER _____

MOTION: John Bohlinger motion "Do Pass." as
Amended.

NAME	AYE	NO
Rep. Duane Grimes, Chairman	✓	
Rep. John Bohlinger, Vice Chairman, Majority	✓	
Rep. Carolyn Squires, Vice Chairman, Minority	✓	
Rep. Chris Ahner	✓	
Rep. Ellen Bergman	✓	
Rep. Bill Carey	✓	
Rep. Dick Green		✓
Rep. Toni Hagener	✓	
Rep. Deb Kottel	✓	
Rep. Bonnie Martinez		✓
Rep. Brad Molnar	✓	
Rep. Bruce Simon	✓	
Rep. Liz Smith		✓
Rep. Susan Smith		✓
Rep. Loren Soft	✓	
Rep. Ken Wennemar	✓	

12

4

ROLL CALL VOTE

DATE 2-6-95 BILL NO. HB 245 NUMBER _____

MOTION: _____

TABLED -

NAME	AYE	NO
Rep. Duane Grimes, Chairman		
Rep. John Bohlinger, Vice Chairman, Majority		
Rep. Carolyn Squires, Vice Chairman, Minority		
Rep. Chris Ahner		
Rep. Ellen Bergman		
Rep. Bill Carey		
Rep. Dick Green		
Rep. Toni Hagener		
Rep. Deb Kottel		
Rep. Bonnie Martinez		
Rep. Brad Molnar		
Rep. Bruce Simon		
Rep. Liz Smith		
Rep. Susan Smith		
Rep. Loren Soft		
Rep. Ken Wennemar		



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

Feb. 6, 1995

I authorize Carolyn
Squires or Toni Hagener
to vote for me on any
& all bills that the ~~Health &~~
Human Services & Aging Comt
may take Executive Action
on today, including any &
all amendments.

Brian Conroy
HD 67



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

I give to Joni Wagner
my proxy
to vote on all bills
and amendments in
Human Services today
2/6/95

Agnew

SB 120 Testimony by Dan Anderson,
Administrator, Mental Health Division,
Department of Corrections and Human
Services

This bill will help the Department of Corrections and Human Services better use the resource available at the Montana Center for the Aged in Lewistown. The bill will accomplish 3 things:

1. It will allow for people younger than 55 to be admitted to the Center if they meet the Center's admission criteria.
2. It will allow the transfer of patients who are under an involuntary commitment to be transferred from the State Hospital to the Center and from the Center to the State Hospital if they meet the appropriate criteria.
3. It will change the name of the Center to emphasize its role as a nursing facility within the public mental health system.

Our intent is to continue and re-emphasize the role of the Lewistown facility within the public mental health system: that role is to serve people with mental illness who

require nursing care but who do not need active and intensive inpatient psychiatric services.

This bill is based on the recognition that some of the people who required this level of services are younger than 55 and some of the people who require this level of service have been involuntarily committed to the state mental health system. Under current law neither persons under 55 nor involuntary patients can be served at the Center in Lewistown.

We do not anticipate additional patients in our institutions because of this bill. We do, however, anticipate that some patients currently at Montana State Hospital can be appropriately transferred. Consultants have indicated that perhaps 25 geriatric patients would be appropriately served at the Center and our staff has confirmed that finding.

Transfers between the State Hospital and Center already occur. Those transfers occur after careful review by staff at both institutions and are based on the needs of the patient. This bill would simply reduce unnecessary barriers to placing patients in the most appropriate and economical placement within our mental health system by allowing the transfer of patients who are younger than 55 and patients who are under an involuntary commitment. Any patient transferred would, however, meet

EXHIBIT 1
DATE 2-6-95
1 SB 120

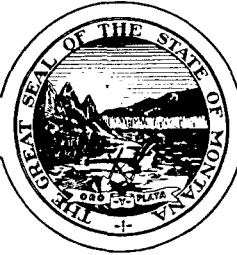
the clinical criteria for placement at the Center.

There were some amendments to the original version of this bill in the Senate. Those amendments were intended to assure that Center patients have all rights guaranteed by the mental health act and to give a means for the patient to challenge a proposed transfer if the patient, the patient's family or the patient's attorney considered the transfer inappropriate.

The Department believes this bill will help us serve patients in the most appropriate and economical place within the mental health system that we have available. I encourage you to support SB 120.

EXHIBIT 2
DATE 2/6/95
93 120

OFFICE OF THE GOVERNOR
MENTAL DISABILITIES BOARD OF VISITORS



MARC RACICOT, GOVERNOR

PO BOX 200804

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February 6, 1995

Representative Grimes, Chairman
House Human Services Committee
State Capitol
Helena, MT 59620

RE: SB 120

Representative Grimes and Members of the Committee:

For the record, my name is Kelly Moorse and I am the Executive Director of the Board of Visitors. The Board reviews the quality of patient care and treatment at Montana State Hospital, the Center for the Aged and the community mental health centers.

The historical context of the bill I feel provides an important reference for the committee. The foundation of this legislation was based on a landmark mental health case known as Wyatt v. Stickney, which established a constitutional right to treatment for people confined against their will in state mental institutions and facilities which serve people with developmental disabilities. The court defined the minimum standards for commitment, treatment, patient protection for environment, rights and other measures.

Our Board and staff worked with the Department of Corrections and Human Services, the Senate Public Health Committee and the Legislative Council on the amendments which have been incorporated into SB 120. We feel this bill as presented to the committee today addresses the intent of the Mental Commitment and Treatment Act. We urge the committee support of SB 120. Thank you.

Sincerely,

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

Kelly Moorse
Executive Director

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Human Services & Aging

DATE 2-6-95

BILL NO. HB 385

SPONSOR(S) _____

SB120

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NAME AND ADDRESS	REPRESENTING	Support	Oppose
Dan Anderson	MT Division	SB120	
Kelly Moore	Board of Visitors	SB120	
Barbara Larsen 25650 Vandenberg Ln Arlee MT 59421		SB120	
M.A. Wellbark	GRS-CSED	HB385	
Gray B Kemp	DHEJ	HB 301	
Sen John Hertel		SB120	
Andree Lerox	Montana Advocacy Prog.	SB120	

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

HR:1993

wp:visssbcom.man

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