

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
54th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON BUSINESS & LABOR

Call to Order: By **CHAIRMAN BRUCE T. SIMON**, on February 28, 1995,
at 8:00 AM.

ROLL CALL

Members Present:

Rep. Bruce T. Simon, Chairman (R)
Rep. Norm Mills, Vice Chairman (Majority) (R)
Rep. Robert J. "Bob" Pavlovich, Vice Chairman (Minority) (D)
Rep. Vicki Cocchiarella (D)
Rep. Charles R. Devaney (R)
Rep. Jon Ellingson (D)
Rep. Alvin A. Ellis, Jr. (R)
Rep. David Ewer (D)
Rep. Rose Forbes (R)
Rep. Jack R. Herron (R)
Rep. Bob Keenan (R)
Rep. Don Larson (D)
Rep. Rod Marshall (R)
Rep. Jeanette S. McKee (R)
Rep. Karl Ohs (R)
Rep. Paul Sliter (R)
Rep. Carley Tuss (D)
Rep. Joe Barnett (R)

Members Excused: None.

Members Absent: None.

Staff Present: Stephen Maly, Legislative Council
Alberta Strachan, Committee Secretary

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

Committee Business Summary:

Hearing: HB 490, SB 171
Executive Action: SB 171, HB 490

HEARING ON HB 490

Opening Statement by Sponsor:

REP. CAROLYN SQUIRES, HD 68, Missoula County, said this bill was
the State Employees Protection Act. It was an act which helped
employees who were "riffed" (Reduction In Force) in the last

session to acquire some retraining and benefits in regard to relocation of employment plus retirement benefits. In that process the registry was established. Each state employee, as they were riffed was placed in the registry which was an employment placement service. This bill acts as a permanent system of helping state employees find employment whether they be riffed or otherwise. She also presented amendments. **EXHIBIT 1**

Proponents' Testimony:

Laurie Ekanger, Governor's Office, said the administration supported this bill. This bill helped transition people who had been laid off through no fault of their own into other means of possible employment. This bill would continue this set of assistance tools to help with employees who had been laid off.

Linda King, Administrator, Public Employees Retirement System, said she was appearing because of the proposed amendments. They supported the bill.

Mark Cress, Administrator, State Personnel Division, Department of Administration, said he supported this bill. During the 1993 session after nearly two years of successful operation, the RIFF registry is widely accepted by state agencies as a workable program that has definitely benefited laid off state workers.

John Northy, Legislative Auditor's Office, said the present law does not include the legislative branch. This bill would add this group of people to the law. As their budget currently sits, after sub-committee action, this branch is taking a 10% cut on FTE.

Tom Schneider, Montana Public Employees Association, said he preferred not having this bill because it would not be necessary if there were no more state layoffs. Therefore, this bill is very necessary because there are layoffs. There is a real difference between the early retirement in this bill and the bill which passed in 1993. This bill is tied only to riffed employees and it will only be used in the case where an employee has the number of years that are required to be eligible to retire. It is a very limited provision.

Phil Campbell, Montana Education Association, said he represented only the teachers at institutions. It is a good policy and the right thing to do.

George Hagerman, Executive Director, American Federation of State, County and Municipal Employees, stated he supported this bill and had personally seen the positive results of the program. This program has been administered very effectively by Project Challenge Work Again and the Montana Department of Labor and Industry.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

REP. VICKI COCCHIARELLA questioned the retirement restriction hours. **Ms. King** said this was a bill to raise the limit on Public Employee Retirement System (PERS) retirees to return to work with any PERS employer after retirement. This was developed by the Interim Retirement Committee. These people could not come back to work for the state or university system. This is a separate kind of restriction.

REP. DON LARSON questioned the placement of the rified employees. **Carley Leonard, Helena Job Service, Department of Labor and Industry**, said a report had been developed. She distributed a copy of the Job Registry quarterly report which listed the name of the agency, the vacancy announcements received, the number of jobs applicants were referred on, the number of applicants referred, the number of applicants hired and the number rehired by lay-off agency. **EXHIBIT 2**

CHAIRMAN SIMON asked which people from the legislative branch were being represented in this bill. **REP. SQUIRES** said the LFA, the Auditor's Office, EQC. **CHAIRMAN SIMON** asked if none of these people were considered permanent employees. **Brian McCulloch, Department of Labor and Industry**, said there is an exception in the law relative to the definition of state employees. These exempted persons are elected officials, county assessors, officers and employees of the legislative branch, and teachers under the Department of Corrections. **CHAIRMAN SIMON** then said this bill has an appropriation of nearly \$40,000 for each of the fiscal years. It appears as if the number of the people appearing in the registry is going down. Will this still take a full time position to handle the registry. **REP. SQUIRES** said she would like to leave that figure as is until the actual numbers are established.

Closing by Sponsor:

The sponsor closed.

HEARING ON SB 171Opening Statement by Sponsor:

SEN. EVE FRANKLIN, SD 21, Cascade County, stated this bill is an act revising physical therapy laws; authorizing licensure of physical therapist assistants and establishing standards for licensure; clarifying requirements for supervising physical therapist assistants, aides, and students and establishing

continuing education requirements for physical therapists and assistants by rule.

Proponents' Testimony:

Gail Wheatley, President, Montana Physical Therapy Association, stated there were approximately 600 physical therapists licensed in Montana and about 350 are engaged in active practice. There has been a shortage of physical therapists in Montana for many years. The purpose of the bill is to loosen the restrictions and allow the assistant to carry out treatment plans which have been designed by the licensed therapist and work independently off site with periodic reassessment by the physical therapist. This will dramatically improve the accessibility to physical therapy services, particularly in home care and rural areas. It is also anticipated the licensure of the assistant. **EXHIBIT 3**

Gary Lusin, Montana Physical Therapy Association, said this bill would provide him the opportunity to have access to physical therapist assistants who are well trained. It will decrease the time spent in training individuals. It will give access to individuals who can assist and work with therapists.

Richard Smith said his practice was in Missoula and supported this bill.

Kirk Hanson supported the bill.

Bob Olson, Montana Hospital Association, said the hospitals in rural Montana have sought this kind of relief for development of the physical therapy programs. People who need therapy must travel to the physical therapist and with this bill enacted, assistants would be able to administer assistance closer to their homes.

Shelly Griffin said she supported this bill.

Steve Meloy, Chief, Professional and Occupational Licensing Bureau, provides administrative staff work for the Board of Physical Therapy. From the Department's prospective, this bill allows that Board which has a high cash balance to draw down that balance doing something they believe in that will make their profession better.

Mona Jamison, American Physical Therapists Association, said assistants are already recognized and acknowledged in Montana statute. The supervision of the assistant will be by visiting the patient who is receiving the services of the assistant. The physical therapist can actually gauge the progress in terms of the implementation of the particular treatment plan that has been developed.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

REP. CHARLES DEVANEY said there was mention of accredited programs. Are they in Montana now. Ms. Wheatley said there are no accredited programs in Montana. College of Technology in Great Falls is working on a program.

REP. LARSON asked if there was a demand for assistants now. Ms. Wheatley said yes.

REP. SLITER questioned the Board of Physical Therapy Assistants and if one would be established. Mr. Meloy said they would be under the jurisdiction of the Board of Physical Therapists.

Closing by Sponsor:

The sponsor closed.

TAPE 1, SIDE B

EXECUTIVE ACTION ON SB 171

Motion: REP. ELLIS MOVED SB 171 BE CONCURRED IN. REP. HERRON MOVED THE AMENDMENTS.

Vote: Motion carried to adopt the Herron amendments 17-1 with REP. COCCHIARELLA voting no.

Motion/Vote: REP. ELLIS MOVED SB 171 BE CONCURRED IN AS AMENDED. Motion carried 18-0.

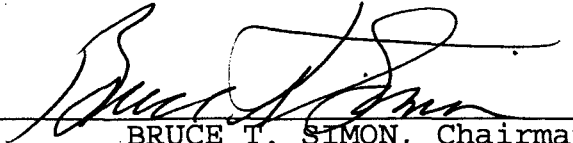
EXECUTIVE ACTION ON HB 490

Motion/Vote: REP. CARLEY TUSS MOVED HB 490 DO PASS. REP. DEVANEY MOVED THE AMENDMENTS. Motion carried to adopt the amendments 18-0.

Motion/Vote: REP. TUSS MOVED HB 490 DO PASS AS AMENDED. Motion carried 17-1 with REP. KEENAN voting no.

ADJOURNMENT

Adjournment: 9:15 AM.



BRUCE T. SIMON, Chairman



ALBERTA STRACHAN, Secretary

BTS/ajs

HOUSE OF REPRESENTATIVES

Business and Labor

ROLL CALL

DATE 2-28-95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Bruce Simon, Chairman	X		
Rep. Norm Mills, Vice Chairman, Majority	X		
Rep. Bob Pavlovich, Vice Chairman, Minority	X		
Rep. Joe Barnett	X		
Rep. Vicki Cocchiarella	X		
Rep. Charles Devaney	X		
Rep. Jon Ellingson	X		
Rep. Alvin Ellis, Jr.	X		
Rep. David Ewer	X		
Rep. Rose Forbes	X		
Rep. Jack Herron	X		
Rep. Bob Keenan	X		
Rep. Don Larson	X		
Rep. Rod Marshall	X		
Rep. Jeanette McKee	X		
Rep. Karl Ohs	X		
Rep. Paul Sliter	X		
Rep. Carley Tuss	X		

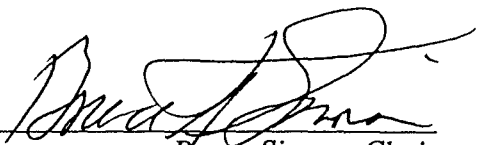


HOUSE STANDING COMMITTEE REPORT

February 28, 1995

Page 1 of 1

Mr. Speaker: We, the committee on **Business and Labor** report that **Senate Bill 171** (third reading copy -- blue) be concurred in as amended.

Signed: 
Bruce Simon, Chair

And, that such amendments read:

Carried by: Rep. Bohlinger

1. Page 6, line 6.

Following: "examination."

Insert: "A person who fails the third examination is required to successfully complete additional education as required by the board before retaking the examination."

-END-

Committee Vote:
Yes 18, No 0.

471229SC.Hdh




HOUSE STANDING COMMITTEE REPORT

February 28, 1995

Page 1 of 2

Mr. Speaker: We, the committee on Business and Labor report that House Bill 490 (first reading copy -- white) do pass as amended.

Signed: 
Bruce Simon, Chair

And, that such amendments read:

1. Page 1, line 23.
Following: "months"
Insert: "and who have waived benefits under the provisions of [House Bill No. 106]"
2. Page 2, line 26.
Following: "level"
Insert: "or higher"
3. Page 3, line 4.
Strike: "4"
Insert: "6"
4. Page 3, line 22.
Page 5, line 13.
Following: "(b)"
Strike: "(i)"
Following: "of"
Insert: "elimination of the employee's position as a result of privatization, reorganization of an agency, closure of or"
Following: "force"
Insert: "at an agency, or other actions by the legislature"
5. Page 3, lines 23 through 26.
Page 5, lines 14 through 17.
Following: ";" on page 3, line 23 and page 5, line 14

Committee Vote:
Yes 8, No 0.

471232SC.Hdh

Strike: remainder of line 23 and line 14 through "agencies;" on
lines 26 and line 17

6. Page 5, line 6.

Following: "of" '

Insert: "elimination of the employee's position as a result of
privatization, reorganization of an agency, closure of or"

Following: "force"

Insert: "at an agency, or other actions by the legislature"

-END-

Amendments to House Bill No. 490
First Reading Copy

Requested by Representative Squires
For the House Committee on Business and Industry

Prepared by Eddy McClure
February 22, 1995

1. Page 1, line 23.
Following: "months"
Insert: "and who have waived benefits under the provisions of
[House Bill No. 106]"
2. Page 2, line 26.
Following: "level"
Insert: "or higher"
3. Page 3, line 4.
Strike: "4"
Insert: "6"
4. Page 3, line 22.
Page 5, line 13.
Following: "(b)"
Strike: "(i)"
Following: "of"
Insert: "elimination of the employee's position as a result of
privatization, reorganization of an agency, closure of or"
Following: "force"
Insert: "at an agency, or other actions by the legislature"
5. Page 3, lines 23 through 26.
Page 5, lines 14 through 17.
Following: ";" on page 3, line 23 and page 5, line 14
Strike: remainder of line 23 and line 14 through "agencies;" on
lines 26 and line 17
6. Page 5, line 6.
Following: "of"
Insert: "elimination of the employee's position as a result of
privatization, reorganization of an agency, closure of or"
Following: "force"
Insert: "at an agency, or other actions by the legislature"

**JOB REGISTRY QUARTERLY REPORT
11-1-94 THROUGH 1-31-95**

AGENCY	VACANCY ANNOUNCEMENTS RECEIVED	# OF JOBS APPLICANTS REFERRED ON	# OF APPLICANTS REFERRED	# OF APPLICANTS HIRED	# REHIRED BY LAY-OFF AGENCY
ADMINISTRATION	17	2	2	1	
AGRICULTURE	4	0	0	0	
AUDITOR	8	2	2	0	
COMMERCE	15	7	11	0	
CORRECTIONS	20	4	8	3	2
FAMILY SERVICES	13	2	3	0	
FISH, WILDLIFE & PARKS	13	2	2	0	
GOVERNOR'S OFFICE	2	0	0	0	
HEALTH & ENVIRONMENTAL SCIENCES	19	7	16	2	
HISTORICAL SOCIETY	4	1	1	0	
JUSTICE	15	5	5	1	
LABOR & INDUSTRY	20	5	5	1	
LEGISLATIVE AUDITOR	0	0	0	0	
LEGISLATIVE COUNCIL	0	0	0	0	
LIVESTOCK	2	0	0	0	
MILITARY AFFAIRS	4	1	1	0	
MONTANA ARTS COUNCIL	1	0	0	0	
NATURAL RESOURCES & CONSERVATION	3	1	2	0	
OFFICE OF PUBLIC INSTRUCTION	4	0	0	0	
PUBLIC SERVICE COMMISSION	4	2	2	0	
REVENUE	31	3	4	0	
SECRETARY OF STATE	6	1	1	0	
SOCIAL & REHABILITATION SERVICES	33	5	5	2	
STATE LANDS	9	0	0	0	
STATE LIBRARY	0	0	0	0	
TRANSPORTATION	46	6	6	0	
TOTAL	293	56	76	10	2

EXHIBIT 2
DATE 2-28-95
HB 490

**JOB REGISTRY CUMMULATIVE REPORT
5-1-93 THROUGH 1-31-95**

AGENCY	VACANCY ANNOUNCEMENTS RECEIVED	# OF JOBS APPLICANTS REFERRED ON	# OF APPLICANTS REFERRED	# OF APPLICANTS HIRED	# REHIRED BY LAY-OFF AGENCY
ADMINISTRATION	128	33	58	6	0
AGRICULTURE	38	11	29	1	0
AUDITOR	48	22	57	2	0
COMMERCE	109	52	113	8	0
CORRECTIONS & HUMAN SERVICES	162	43	112	22	21
FAMILY SERVICES	156	32	76	5	1
FISH, WILDLIFE & PARKS	167	27	78	2	0
GOVERNOR'S OFFICE	6	4	27	1	0
HEALTH & ENVIRONMENTAL SCIENCES	140	42	93	7	1
HISTORICAL SOCIETY	31	10	38	3	0
HOUSE & SENATE	1	1	16	16	16
JUSTICE	120	36	66	4	0
LABOR & INDUSTRY	236	72	153	16	3
LEGISLATIVE AUDITOR	1	1	1	0	0
LEGISLATIVE COUNCIL	5	1	1	1	0
LIVESTOCK	26	4	6	0	0
MILITARY AFFAIRS	21	10	14	3	0
MONTANA ARTS COUNCIL	4	2	12	0	0
NATURAL RESOURCES & CONSERVATION	26	8	18	0	0
OFFICE OF PUBLIC INSTRUCTION	34	15	41	4	0
PUBLIC SERVICE COMMISSION	11	4	13	0	0
REVENUE	228	36	79	3	0
SECRETARY OF STATE	31	6	7	1	0
SOCIAL & REHABILITATION SERVICES	273	89	209	19	0
STATE FUND	65	23	58	7	0
STATE LANDS	58	12	12	1	1
STATE LIBRARY	9	0	0	0	0
SUPREME COURT	1	1	14	1	0
TRANSPORTATION	519	71	165	12	1

TOTAL	2,654	667	1,566	145	44
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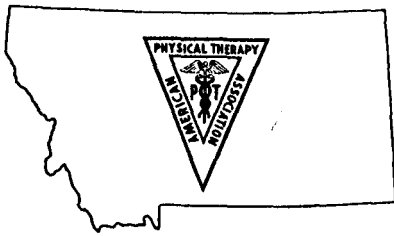


EXHIBIT 3
DATE 2-28-95
HB SB 171

MONTANA CHAPTER
OF THE
AMERICAN PHYSICAL THERAPY ASSOCIATION

February 28, 1995

To: Chairman Simon
Members of the House Business and Labor Committee

From: Gail Wheatley, P.T. - Great Falls *GW*
President, Montana Physical Therapy Association

re: SB 171 - licensure of physical therapist assistants

Thank you for the opportunity to comment this morning on SB 171, proposed by the Montana Physical Therapy Association and sponsored by Senator Eve Franklin and Representative John Bohlinger. There are approximately 600 physical therapists licensed in Montana; about 350 are engaged in active practice. We work in a variety of settings providing rehabilitative and preventive services to clients of all ages: hospitals, nursing homes, rehabilitation facilities, schools, home care, job sites/industry, and private offices. Physical therapy is routinely reimbursed by Worker's Compensation, Medicare and Medicaid and private carriers. That's the good news. The bad news is that there has been a shortage of physical therapists in Montana for many years. Our association has debated the issue for some time and offer what we believe is an innovative solution to a difficult problem. Physical therapist assistants are currently recognized in our Practice Act for having graduated from a two year program with an associate degree, but the supervision requirements are strict and non-yielding. We propose to loosen those restrictions, allow the assistant to carry out treatment plans which have been designed by the licensed therapist and work independently off-site with periodic reassessment by the physical therapist. This will dramatically improve the accessibility to physical therapy services, particularly in home care and our rural areas. In return for that increase in responsibility and independence, we are asking for examination and licensure of the physical therapist assistant. We believe this will provide much needed services to our residents and take steps to ensure quality and public safety. We anticipate cost savings with physical therapy availability closer to home, not necessitating longer stays in higher cost "urban" facilities. Insurance companies may in time make reimbursement adjustments for care given by the assistant as is currently seen for physician's assistants.

In addition we are proposing continuing education for relicensure of physical therapists and assistants. There are ample opportunities to obtain the suggested number of hours without leaving the state, through quality programs offered by this association as well as those being given by other facilities and organizations across the state. We are committed to provision of quality care to our clients and wish to make every effort to ensure that physical therapy providers in Montana stay current and informed in a rapidly changing profession and health care environment.

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Business + Labor

DATE 2-28-95

BILL NO. SB 171 SPONSOR(S) Franklin

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NAME AND ADDRESS	REPRESENTING	Support	Oppose
Bob Olson	Montana Hospital Assoc	✓	
Richard Smith (Missoula)	MT. Physical Therapy Assoc	✓	
Sony Zuerin Boreman	MT PT Assoc	✓	
Shelly Griffin (Billings)	1 st P.T. and Smith P.T	✓	
Brian Wheatley (GF)	Missouri River Medical	✓	
Lorin Wright	Red Lodge PT	✓	
Gail Wheatley (GF)	MT Phys Therapy Assoc	✓	
Donna Alvin Helene	MT PT Assoc	✓	
Terry Kren	DOC	3	
KIRK HARRISON	PT - Helena	✓	
Mura Harrison	PT Assoc.	✓	

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HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Business & Labor

DATE 2-28-95

BILL NO. HB 490 SPONSOR(S) Squires

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Tom Schneider	MPBA	X	
Mary Hagerman	AFCU	✓	
Brian McCallister	Labor & Indus	✓	
Charles F. Stolt	Health	✓	
Richard Smith Missouri	Health	✓	
Laurie Ekanger	Governors Office	✓	
MARIC CRESS	Administration	✓	
LINDA KING	PERD	✓	
Karlene Leonard	Helena Job Service	✓	
Mary Walsh	Labor & Ind	✓	
Phil Campbell	MEA	✓	
JAY DRISCOLL	MFSS/MT	X	

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