

MINUTES

MONTANA SENATE 55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON PUBLIC HEALTH, WELFARE, & SAFETY

Call to Order: By CHAIRMAN STEVE BENEDICT, on January 15, 1997,
at 1:00 PM, in Room 410.

ROLL CALL

Members Present:

Sen. Steve Benedict, Chairman (R)
Sen. James H. "Jim" Burnett, Vice Chairman (R)
Sen. Larry L. Baer (R)
Sen. Chris Christiaens (D)
Sen. Bob DePratu (R)
Sen. Dorothy Eck (D)
Sen. Sharon Estrada (R)
Sen. Eve Franklin (D)
Sen. Fred Thomas (R)

Members Excused: None

Members Absent: None

Staff Present: Susan Fox, Legislative Services Division
Karolyn Simpson, Committee Secretary

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

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 68, 1/7/76
Executive Action: SB 14, SB 23

HEARING ON SB 68

Sponsor: SENATOR TOM KEATING

Proponents: Mona Sumner, Rimrock Foundation
Mike Rupert, Boyd Andrew Chemical Dependency Center
Darryl Bruno, Addictive and Mental Disorders, DPHHS
Pat Melby, representing Rimrock Foundation

Opponents: None

Opening Statement by Sponsor:

SENATOR TOM KEATING, SD 5, Yellowstone County, said the theme of
SB 68 is to avoid duplication of accreditation for rehabilitation
and treatment facilities. If a facility is accredited by a

national organization, then they must be accredited by the state. Rather than duplicating the accreditation process, this bill would allow the accreditation from a recognized firm to qualify as accreditation from any other source, and avoid duplication.

Proponents' Testimony:

Mona Sumner, Chief Operations Officer, Rimrock Foundation, said they support SB 68. It's a win-win situation and is simply an amendment to a long-standing law permitting the Quality Assurance and Licensing Division of the Department of Health and Human Services to give deemed status to hospitals and in-patient chemical dependency programs who hold national accreditation from the Joint Commission on Accreditation of Health Care Organizations. Deemed status means the department does not have to duplicate a licensing survey process, they can merely accept the findings of the Joint Commission survey. This bill expands the law allowing these organizations to hold one of two national accreditations, either the Joint Commission or Commission on Accreditation of Rehabilitation Facilities, known as CARP. This will avoid duplication of programs from having a national accreditation and have a state licensing inspection, which is costly and redundant. **(EXHIBIT 1)**

Mike Rupert, Executive Director, Boyd Andrew Chemical Dependency Care Center in Helena, said SB 68 expands the national accrediting entities from one to two. Originally it was just (JCHO) Joint Commission on Health Organizations and now it is expanded to include another nationally recognized accrediting agency called CARP (Commission on Accreditation of Rehabilitation Facilities). It also allows the option out-patients facilities to seek national accreditation, just as in-patient facilities have been doing with JCHO, which is choose to get a national accreditation and for the state to recognize that accreditation, avoiding redundant evaluations.

Darryl Bruno, Assistant Administrator, Addictive and Mental Disorders Division, said they support SB 68. They no longer do the evaluations due to reorganization, based on past experience, they think it would be a savings for the state, particularly programs like Rimrock Foundation.

Pat Melby, representing Rimrock Foundation, said he would not duplicate the previous testimony, but is available to answer any questions on the bill.

Opponents' Testimony: None

Questions From Committee Members and Responses:

SENATOR SHARON ESTRADA asked if this bill will affect the compulsive gambling bill, as far as accreditation for providers. **Darryl Bruno** said it would not affect that bill.

Closing by Sponsor:

SENATOR KEATING said there are no amendments.

EXECUTIVE ACTION ON SB 14

SENATOR CHRIS CHRISTIAENS asked if there was a fiscal note requested for SB 14.

CHAIRMAN BENEDICT said no, then asked **Curt Chisholm** about the necessity of a fiscal note because it was just an interdepartmental transfer of work.

Curt Chisholm said yes, but the transfer of the responsibility for ionizing radiation will require the transfer of the four FTE's and the budget would also be transferred, but no additional budget is requested.

Motion: **SENATOR FRED THOMAS MOVED SB 14 DO PASS.**

Amendments:

CHAIRMAN BENEDICT said these are the amendments **SENATOR SWYSGOOD** and **Curt Chisholm** agreed on.

Motion: **SENATOR THOMAS MOVED THE AMENDMENTS TO SB 14 DO PASS.**

Discussion:

Susan Fox explained the amendments.

SENATOR EVE FRANKLIN asked for clarification of page 2 of the amendments, in reference to radioactive materials, and asked if this refers to exposure from equipment in health care settings, and this is not to transferring large amounts of radioactive waste material. She said she is unsure of the policy functions of each department in this regard.

Curt Chisholm said they are transferring broad functions for regulating of ionizing radiation. In practice, 99% of their function is going around the state and inspecting mammography X-ray. There is an agreement with the Department of Health for monitoring exposure to radiation is more a Department of Health issue rather than an environmental issue, and it didn't make sense to retain those broad responsibilities in his agency and have trained FTE for the few number of times they would be utilized. They will still use the 2 health physicists that transfer to the Department of Health for these broader responsibilities that happen infrequently, but the Department of Environmental Quality is committed to cooperating with the Department of Health, in the event of any of these things happening.

SENATOR ECK asked about the reference to tailings and waste produced by the extraction, concentration of uranium, etc.

Curt Chisholm said he didn't understand the question.

SENATOR ECK referred to page 1B of the amendments.

CHAIRMAN BENEDICT said that section is already in Code. The only thing that changes is #2, the underlined part.

SENATOR ECK asked about the transfer of a mining issue from a natural resource agency to a health agency.

Curt Chisholm said that's definition section of the bill which defines tailings or waste as something that could give off ionizing radiation, but the we maintain mine regulation authority for uranium mines, so DEQ retains regulatory authority. Some regulatory responsibilities and rules, that were not even written before, come along with this bill, because they very infrequently have the issue of someone transporting nuclear radiation materials through the state.

Vote: THE AMENDMENTS TO SB 14 CARRIED UNANIMOUSLY.

Motion/Vote: SENATOR THOMAS moved SB 14 DO PASS AS AMENDED. THE MOTION CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SB 23

Motion: SENATOR CHRISTIAENS moved SB 23 DO PASS.

Discussion:

SENATOR CHRISTIAENS said there is a lot of concern regarding cost of this bill and unfunded mandates to counties. He referred to page 7, lines 4 and 5 of the amendments (**EXHIBIT 2**). He said he didn't know if it fully addresses the issue some of those concerns of the county commissioners. He said if we go back to **SENATOR COLE'S** bill in the last session and unfunded mandates. He suggested placing SB 23 into a sub-committee and doing more work on it.

SENATOR LARRY BAER said there is a lot of controversy over this bill and he would like to make a substitute motion that we table it to give an opportunity for further amendments and further consideration rather than voting it up or down at this time.

Motion/Vote: SENATOR BAER moved to TABLE SB 23.

Vote: THE MOTION TO TABLE SB 23 PASSED UNANIMOUSLY BY ROLL CALL VOTE.

CHAIRMAN BENEDICT said that leaves SB 23 in this committee and if something can be done with it, we'll take it up again. He said he thinks the amendments take care of people with means to pay but doesn't take care of people without means to pay, and it will have a big impact on the counties.

SENATOR CHRISTIAENS said those people who have a real interest possibly could work with **SENATOR KEATING**. The intent of the bill is wonderful and it goes a long way toward dealing with our corrections problems as well, but don't know how to deal with that.

SENATE PUBLIC HEALTH, WELFARE, & SAFETY COMMITTEE

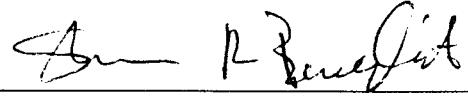
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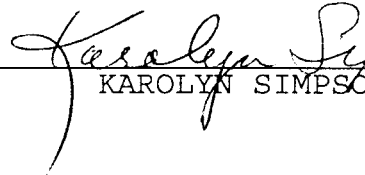
CHAIRMAN BENEDICT said he is not in favor of a subcommittee at this time, but would rather leave some time for the proponents and **SENATOR KEATING** to see if they can bring us something that works.

ADJOURNMENT

Adjournment: 1:35 PM



SEN. STEVE BENEDICT, Chairman



KAROLYN SIMPSON, Secretary

SB/KS