

House Bill 41

In The House

January 6, 1981	Introduced and referred to Committee on Human Services.
January 7, 1981	Fiscal note requested.
January 13, 1981	Fiscal note returned.
February 7, 1981	Committee recommend bill do not pass.

1 HOUSE BILL NO. 41
 2 INTRODUCED BY MOORE
 3 BY REQUEST OF THE DEPARTMENT
 4 OF HEALTH AND ENVIRONMENTAL SCIENCES
 5
 6 A BILL FOR AN ACT ENTITLED: "A BILL TO GENERALLY REVISE AND
 7 CLARIFY THE GENERAL POWERS AND DUTIES OF THE DEPARTMENT OF
 8 HEALTH AND ENVIRONMENTAL SCIENCES; TO CLARIFY ITS POWERS TO
 9 ADOPT RULES TO IMPLEMENT FEDERAL HEALTH PROGRAMS FOR
 10 MATERNAL AND CHILD HEALTH; TO AUTHORIZE THE LICENSURE OF
 11 ENVIRONMENTAL CHEMISTRY LABORATORIES; AMENDING SECTION
 12 50-1-202, MCA."

13
 14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 15 Section 1. Section 50-1-202, MCA, is amended to read:
 16 "50-1-202. General powers and duties. The department
 17 shall:
 18 (1) study conditions affecting the citizens of the
 19 state by making use of birth, death, and sickness records;
 20 (2) make investigations, disseminate information, and
 21 make recommendations for control of diseases and improvement
 22 of public health to persons, groups, or the public;
 23 (3) at the request of the governor, administer any
 24 federal health program for which responsibilities are
 25 delegated to states;

1 ~~(4) develop, adopt, and administer rules for a program~~
 2 ~~to protect and improve dental health and supervise dentists~~
 3 ~~employed by the state, local boards of health, or schools;~~
 4 ~~(5) develop, adopt, and administer rules for programs~~
 5 ~~to protect the health of mothers and children, which may~~
 6 ~~include but are not limited to programs for nutrition,~~
 7 ~~family planning services, improved pregnancy outcome, and~~
 8 ~~those authorized by Title X of the Federal Public Health~~
 9 ~~Service Act and Titles V, XIX, and XX of the Federal Social~~
 10 ~~Security Act;~~

11 ~~(6) develop, adopt, and administer rules for a program~~
 12 ~~to provide services to handicapped children, including but~~
 13 ~~not limited to diagnosis, medical, surgical, and corrective~~
 14 ~~treatment; and aftercare and related services;~~

15 ~~(4)(7)~~ inspect and work in conjunction with custodial
 16 institutions and Montana university system units
 17 periodically as necessary and at other times on request of
 18 the governor;

19 ~~(5)(8)~~ after each inspection made under subsection ~~(4)~~
 20 ~~(7)~~ of this section, submit a written report on sanitary
 21 conditions to the governor and to the director of
 22 institutions or commissioner of higher education and
 23 include recommendations for improvement in conditions if
 24 necessary;

25 ~~(6)(9)~~ advise state agencies on location, drainage,

1 water supply, disposal of excreta, heating, plumbing, sewer
 2 systems, and ventilation of public buildings;
 3 ~~{7}--organize-laboratory-services-and-provide--equipment~~
 4 ~~and-personnel-for-those-services;~~
 5 ~~{8}--develop---and---administer---activities---for---the~~
 6 ~~protection-and-improvement-of-dental--health--and--supervise~~
 7 ~~dentists--employed--by-the-state--local-boards-of-health--or~~
 8 ~~schools;~~
 9 ~~{9}--develop-and-administer-a-program--to--protect--the~~
 10 ~~health-of-mothers-and-children;~~
 11 {10} conduct health education programs;
 12 {11} provide consultation to school and local community
 13 health nurses in the performance of their duties;
 14 {12} consult with the superintendent of public
 15 instruction on health measures for schools;
 16 ~~{13}--develop--and--administer--a-program-for-services-to~~
 17 ~~handicapped-children-including-diagnosis--medicaty--surgicaty~~
 18 ~~and--corrective--treatmenty--and--after-care---and---related~~
 19 ~~services;~~
 20 ~~{14}{13} provide consultation to local boards of health;~~
 21 ~~{15}--bring--actions---in-court-for-the-enforcement-of-the~~
 22 ~~health-laws-and-defend-actions-brought-against-the-board--or~~
 23 ~~department;~~
 24 ~~{16}{14} accept and expend federal funds available for~~
 25 public health services;

1 ~~{7}{15} have the power to use personnel of local~~
 2 departments of health to assist in the administration of
 3 laws relating to public health;
 4 ~~{16} organize laboratory services and provide equipment~~
 5 ~~and personnel for those services;~~
 6 ~~{17} adopt and enforce rules regarding the licensing of~~
 7 ~~environmental chemistry laboratories that provide~~
 8 ~~information to state or local governmental entities,~~
 9 ~~including but not limited to rules for standards for~~
 10 ~~operations, reasonable fees for licenses and services~~
 11 ~~performed by the department, and inspections. All fees~~
 12 ~~collected shall be deposited in the general fund.~~
 13 {13} adopt rules imposing fees for the tests and
 14 services performed by the laboratory of the department
 15 ~~except those fees relating to water analysis, which are~~
 16 ~~imposed by the board pursuant to 75-6-103(2)(b).~~ In adopting
 17 a rule imposing fees, the department may establish only a
 18 fee that will reimburse the department for the costs
 19 incurred in performing tests and services. All fees shall be
 20 deposited in the general fund.
 21 {19} adopt and enforce rules regarding the definition of
 22 communicable diseases and the reporting and control of
 23 communicable diseases; ~~end~~
 24 {20} adopt and enforce rules regarding the
 25 transportation of dead human bodies; ~~and~~

1 (21) bring actions in court for the enforcement of
2 health and environmental laws and defend actions brought
3 against the board or department."

4 Section 2. Saving clause. This act does not affect
5 rights and duties that matured, penalties that were
6 incurred, or proceedings that were begun before the
7 effective date of this act.

8 Section 3. Severability. If a part of this act is
9 invalid, all valid parts that are severable from the invalid
10 part remain in effect. If a part of this act is invalid in
11 one or more of its applications, the part remains in effect
12 in all valid applications that are severable from the
13 invalid applications.

-End-

HB 41

STATE OF MONTANA

REQUEST NO. 39-81

FISCAL NOTE

Form BD-15

In compliance with a written request received _____, 19 _____, there is hereby submitted a Fiscal Note for House Bill 41 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

Description of Proposed Legislation

Clarifies the powers and duties of the Department of Health to adopt rules to implement federal health programs.

Assumptions

The department will increase activity in regard to licensing environmental chemistry laboratories. The Department of Health and Environmental Science chemistry laboratory currently certified laboratories for a cost in FY 1980 of \$700 plus personnel time. This program would increase inspections by 15 in FY 1982 and 50 inspections in FY 1983. Inflation factors of 15% were used.

Fiscal Impact

	<u>FY 1982</u>	<u>FY 1983</u>	<u>Total Biennium</u>
Increase in General Fund	\$1,500	\$3,200	\$4,700

There is a possibility of one needed FTE for a cost, not including inflation or pay raise of:

	\$25,173	\$25,173	\$50,346
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Dave Lewis

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-12-81