

SENATE BILL NO. 200

INTRODUCED BY VAN VALKENBURG

**BY REQUEST OF THE DEPARTMENT OF HEALTH AND
ENVIRONMENTAL SCIENCES**

IN THE SENATE

January 18, 1983	Introduced and referred to Committee on Public Health, Welfare and Safety.
February 7, 1983	Committee recommend bill do pass as amended. Report adopted. Statement of Intent attached.
February 8, 1983	Bill printed and placed on members' desks.
February 9, 1983	Second reading, do pass as amended.
February 10, 1983	Correctly engrossed.
February 11, 1983	Third reading, passed. Ayes, 43; Noes, 7. Transmitted to House.

IN THE HOUSE

February 12, 1983	Introduced and referred to Committee on Human Services.
March 11, 1983	Committee recommend bill be concurred in. Report adopted.
March 12, 1983	Second reading, concurred in.
March 14, 1983	Third reading, concurred in.

IN THE SENATE

March 15, 1983

**Returned to Senate. Sent to
enrolling.**

Reported correctly enrolled.

1 *Senate* BILL NO. 200
2 INTRODUCED BY *DeValkenburg*
3 BY REQUEST OF THE DEPARTMENT OF HEALTH AND
4 ENVIRONMENTAL SCIENCES
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6 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE GENERAL
7 POWERS AND DUTIES OF THE DEPARTMENT OF HEALTH AND
8 ENVIRONMENTAL SCIENCES; AND GIVING THE DEPARTMENT THE
9 AUTHORITY TO ADOPT RULES TO IMPLEMENT STATE AND FEDERAL
10 HEALTH PROGRAMS FOR MATERNAL AND CHILD HEALTH AND FOR
11 HANDICAPPED CHILDREN; AMENDING SECTION 50-1-202, MCA."
12

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 Section 1. Section 50-1-202, MCA, is amended to read:
15 "50-1-202. General powers and duties. The department
16 shall:

17 (1) study conditions affecting the citizens of the
18 state by making use of birth, death, and sickness records;

19 (2) make investigations, disseminate information, and
20 make recommendations for control of diseases and improvement
21 of public health to persons, groups, or the public;

22 (3) at the request of the governor, administer any
23 federal health program for which responsibilities are
24 delegated to states;

25 (4) inspect and work in conjunction with custodial

1 institutions and Montana university system units
2 periodically as necessary and at other times on request of
3 the governor;

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

9 (6) advise state agencies on location, drainage, water
10 supply, disposal of excreta, heating, plumbing, sewer
11 systems, and ventilation of public buildings;

12 (7) organize laboratory services and provide equipment
13 and personnel for those services;

14 (8) develop and administer activities for the
15 protection and improvement of dental health and supervise
16 dentists employed by the state, local boards of health, or
17 schools;

18 (9) ~~develop, adopt, and administer a--program rules~~
19 ~~setting standards for participation in and operation of~~
20 ~~programs to protect the health of mothers and children,~~
21 ~~which rules may include but are not limited to programs for~~
22 ~~nutrition, family planning services, improved pregnancy~~
23 ~~outcome, and those authorized by Title X of the federal~~
24 ~~Public Health Service Act and Title V of the federal Social~~
25 ~~Security Act;~~

INTRODUCED BILL

1 (10) conduct health education programs;

2 (11) provide consultation to school and local community

3 health nurses in the performance of their duties;

4 (12) consult with the superintendent of public

5 instruction on health measures for schools;

6 (13) develop, ~~adopt,~~ and administer rules setting

7 standards for a program for to provide services to

8 handicapped children, including but not limited to standards

9 for:

10 (a) diagnosis;

11 (b) medical, surgical, and corrective treatment; and

12 (c) after-care and related services;

13 (d) eligibility; and

14 (e) payment for services;

15 (14) provide consultation to local boards of health;

16 (15) bring actions in court for the enforcement of the

17 health laws and defend actions brought against the board or

18 department;

19 (16) accept and expend federal funds available for

20 public health services;

21 (17) have the power to use personnel of local

22 departments of health to assist in the administration of

23 laws relating to public health;

24 (18) adopt rules imposing fees for the tests and

25 services performed by the laboratory of the department;

1 ~~except those fees relating to water analysis, which are~~

2 ~~imposed by the board pursuant to 75-6-103(2)(b). In adopting~~

3 ~~a rate imposing fees, the~~ The department may not establish

4 ~~only a fee that will reimburse the department for fees~~

5 ~~exceeding~~ the costs incurred in performing tests and

6 services. All fees shall be deposited in the general fund.

7 (19) adopt and enforce rules regarding the definition

8 of communicable diseases and the reporting and control of

9 communicable diseases; and

10 (20) adopt and enforce rules regarding the

11 transportation of dead human bodies."

12 NEW SECTION. Section 2. Saving clause. This act does

13 not affect rights and duties that matured, penalties that

14 were incurred, or proceedings that were begun before the

15 effective date of this act.

16 NEW SECTION. Section 3. Severability. If a part of

17 this act is invalid, all valid parts that are severable from

18 the invalid part remain in effect. If a part of this act is

19 invalid in one or more of its applications, the part remains

20 in effect in all valid applications that are severable from

21 the invalid applications.

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1 STATEMENT OF INTENT

2 SENATE BILL 200

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4 A statement of intent is required for Senate Bill 200
5 because it amends Section 50-1-202, MCA, to authorize the
6 Department of Health and Environmental Sciences to adopt
7 rules implementing existing programs promoting maternal and
8 child health and providing handicapped children's services.

9 The Department has since 1967 been mandated to develop
10 and administer maternal and child health programs and
11 handicapped children's services, programs which by their
12 nature require standards to be set for such areas as
13 appropriate medical treatment, eligibility for financial
14 assistance and program participation, and reimbursement for
15 services. Those programs presently include the women,
16 Infants, and Children (WIC) supplemental food program
17 ensuring proper nutrition for young children and low-income
18 pregnant and nursing women; the Child Care Food Program
19 providing food assistance to children in day care; family
20 planning; the Improved Pregnancy Outcome Project; and the
21 Handicapped Children's Program. In addition, all of the
22 present programs receive federal funding and are subject to
23 federal program requirements which mandate standards be set
24 for fair hearings, property management, etc. The Department
25 has, therefore, had to set the required standards for those

1 programs without having the authority under state law to
2 adopt binding rules for them.

3 Consequently, it is the intent of the legislature that
4 the Department be expressly authorized to adopt rules
5 covering the following:

6 1. Eligibility criteria for program participation,
7 e.g. income levels, nutritional status, and age;

8 2. Criteria which must be met by providers of care as
9 a condition of reimbursement, including professional
10 qualification;

11 3. Conditions included or excluded for coverage;

12 4. Policies included in state plans, such as the
13 allocation of funds within a program, evaluation procedures
14 and reporting procedures relating to fiscal and programmatic
15 responsibilities;

16 5. Standards to ensure quality of care, such as care
17 plans and objectives;

18 6. Fair hearing procedures;

19 7. Reimbursement rates;

20 8. Eligibility standards for food program providers;

21 9. Property management requirements.

SECOND READING

-2-

SB200

Approved by Committee
on Public Health, Welfare
& Safety

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 50-1-202, MCA, is amended to read:

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(2) make investigations, disseminate information, and make recommendations for control of diseases and improvement of public health to persons, groups, or the public;

(3) at the request of the governor, administer any federal health program for which responsibilities are delegated to states;

(4) inspect and work in conjunction with custodial

institutions and Montana university system units periodically as necessary and at other times on request of the governor;

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

(6) advise state agencies on location, drainage, water supply, disposal of excreta, heating, plumbing, sewer systems, and ventilation of public buildings;

(7) organize laboratory services and provide equipment and personnel for those services;

(8) develop and administer activities for the protection and improvement of dental health and supervise dentists employed by the state, local boards of health, or schools;

(9) ~~develop, adopt, and administer a--program rules setting standards for participation in and operation of programs to protect the health of mothers and children, which rules may include but are not limited to programs for nutrition, family planning services, improved pregnancy outcomes, and those authorized by Title X of the federal Public Health Service Act and Title V of the federal Social Security Act;~~

1 (10) conduct health education programs;

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3 health nurses in the performance of their duties;

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5 instruction on health measures for schools;

6 (13) develop, ~~adopt,~~ and administer ~~rules~~ setting

7 ~~standards~~ for a program for ~~to provide~~ services to

8 handicapped children, including ~~but not limited to standards~~

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