



## Children, Families, Health, and Human Services Interim Committee

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### 65th Montana Legislature

#### SENATE MEMBERS

MARY CAFERRO  
FREDERICK ( ERIC ) MOORE  
ALBERT OLSZEWSKI  
DIANE SANDS

#### HOUSE MEMBERS

KATHY KELKER  
JON KNOKEY  
DENNIS LENZ  
GORDON PIERSON

#### COMMITTEE STAFF

SUE O'CONNELL, Lead Staff  
ALEXIS SANDRU, Staff Attorney  
FONG HOM, Secretary

# MINUTES LOG

March 22, 2018  
Room 102, Capitol Building  
Helena, Montana

**Please note:** This document is a Minutes Log and provides a notation of the time elapsed between the beginning of the meeting and the time at which the item was presented or discussed, a motion was made, or a vote was taken. The narrative presented here is provided only as a guide to the audio or video record of the meeting. The official discussion, motion, or vote is available on the audio or video archive of this meeting. The Legislature does not prepare a transcript of meeting activities. The time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

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Please contact the Legislative Services Division at 406-444-3064 for more information.

### **COMMITTEE MEMBERS PRESENT**

SEN. MARY CAFERRO  
SEN. FREDERICK (ERIC) MOORE  
SEN. ALBERT OLSZEWSKI  
SEN. DIANE SANDS (*by phone*)  
REP. KATHY KELKER  
REP. GORDON PIERSON

### **COMMITTEE MEMBERS EXCUSED**

REP. JON KNOKEY  
REP. DENNIS LENZ

### **STAFF PRESENT**

SUE O'CONNELL, Lead Staff  
JULIE JOHNSON, Staff Attorney  
FONG HOM, Secretary

## **VISITORS' LIST** ([Attachment 1](#))

## **AGENDA** ([Attachment 2](#))

### **COMMITTEE ACTIONS**

On March 22, the committee heard presentations related to its House Joint Resolution 24 study of community services for adults with developmental disabilities and toured several group homes and day programs operated by Westmont, a Helena provider. On March 23, the committee heard and acted on the recommendations of the subcommittee that worked on the HJR 20 study of transparency in health care pricing; heard and acted on a request related to the administrative rules for the medical marijuana program; and heard presentations on federal Medicaid activity and on the effects of Medicaid expansion on individuals and providers in Montana.

The committee:

- adopted five of the six recommendations made by the HJR 20 subcommittee, deciding against the recommendation to take further action on prescription drug prices;
- agreed to send a letter to the Department of Public Health and Human Services asking for clarification on why a 6-month Medicaid reimbursement rate cut of 2.99% will be carried over into Fiscal Year 2019 at that same level when the cuts will be in effect for a full year rather than only 6 months;
- asked staff to draft — for review at the committee's May 14 meeting — a formal objection to the medical marijuana rules that have been adopted by the Department of Public Health and Human Services (DPHHS);
- asked for further information or bill drafts on the following HJR 24 topics: crisis services, assessment tools, direct care worker wages, the policy for a provider removing a client from services, and the structure and use of individual cost plans; and
- decided against holding its May meeting outside of Helena, as previously discussed.

### **CALL TO ORDER ROLL CALL**

00:00:01 Sen. Mary Caferro called the meeting to order at 8:05 a.m. The secretary called roll. Rep. Dennis Lenz and Rep. Jon Knokey were excused. ([Attachment 3](#))

### **AGENCY OVERSIGHT: STAFF REPORTS**

#### **Administrative Rule Review - Julie Johnson, Staff Attorney**

00:01:39 Ms. Johnson ([Exhibit 1](#))

#### **Montana Developmental Center Closure - Sue O'Connell**

00:02:44 Ms. O'Connell ([Exhibit 2](#))

#### **Committee Questions of Ms. O'Connell**

00:04:12 Rep. Kelker asked whether people who are still at the Montana Developmental Center were being released into a community and then being recommitted.

#### **Medical Marijuana Act - Sue O'Connell**

00:06:16 Ms. O'Connell discussed the Medical Marijuana: Registry Statistics ([Exhibit 3](#)), and the Summary of Proposed and Adopted Rules ([Exhibit 4](#)).

Committee Questions of Ms. O'Connell

00:12:59 Rep. Kelker asked about the objection made by the Revenue and Transportation Interim Committee.

**HJR 24: DD SERVICES FOR ADULTS**

00:18:02 Sen. Caferro gave opening remarks regarding the panel presentations.

**Crisis Services for Adult with Developmental Disabilities**

Rebecca de Camara, Administrator, DPHHS Developmental Services Division  
Jeff Cross, President-Public Solutions, Benchmark Human Services (*by phone*)  
Chris Heimerl, Independent Consultant, New Mexico (*by phone*)  
Jeff Sturm, Retired DPHHS DD Program Director

00:20:43 Rebecca de Camara (**Exhibit 5**)

00:29:55 Jeff Cross (**Exhibit 6**)

00:46:06 Chris Heimerl (**Exhibit 7**)

01:02:44 Jeff Sturm

Committee Questions

01:08:02 Rep. Kelker asked the panelists about the potential costs to have regional crisis teams.

01:09:22 Mr. Heimerl

01:09:44 Mr. Cross

01:15:59 Rep. Kelker asked about the people who are being hired in direct care and the pay range for those workers.

01:17:24 Mr. Heimerl

01:20:15 Mr. Cross

01:21:43 Mr. Sturm

01:23:06 Sen. Caferro asked Mr. Sturm to address the importance of targeted case managers in monitoring communication and behavioral changes.

01:25:23 Sen. Caferro asked about costs that are avoided by providing crisis services locally, such as jail costs and institutional costs.

01:28:25 Mr. Cross

01:33:32 Mr. Heimerl

01:34:03 Mr. Cross

01:35:01 Rep. Kelker asked Ms. de Camara if there could be an increase in emergency room visits if crisis services were withdrawn and asked whether the department is tracking that information.

01:36:10 Ms. de Camara

01:38:36 Sen. Caferro said that there is no way to say with any certainty what the impact is going to be today for DD targeted case management. She said that she is working with Sen. Sands and with staff to come up with a baseline for measuring potential impacts of various budget cuts.

01:39:47 Ms. de Camara

## **DPHHS Response to Provider Proposals for System Change**

Sue O'Connell, Committee Research Analyst

Rebecca de Camara, Administrator, DPHHS Developmental Services Division

01:41:40 Ms. O'Connell (**Exhibit 8**)

01:42:16 Rebecca de Camara

### **Committee Questions of Ms. de Camara**

02:10:27 Sen. Caferro asked about the 90-day exit policy.

02:14:41 Sen. Caferro commented on the movement of money from one individual's cost plan to another individual's cost plan.

02:16:00 Rep. Kelker commented that because a number of people who are being assessed have dual diagnoses, the system for figuring out what kind of services they need should be as sophisticated as possible.

## **0208 Comprehensive Waiver Draft - Rebecca de Camara**

02:19:54 Ms. de Camara (**Exhibit 9**)

*Rep. Pierson arrived at 10:30 a.m.*

### **Committee Questions of Ms. de Camara**

02:33:01 Sen. Caferro asked about public comment regarding the 0208 Waiver proposal not being incorporated into the final waiver application because the public comment deadline is March 29, and the deadline for the submission of the application is March 30.

## **Reimbursement Rate Structures in Other States**

Sue O'Connell, Committee Research Analyst

Courtney Miller, Director, Division of Developmental Disabilities, Nebraska Department of Health and Human Services (*by phone*)

Clay Hiatt, Finance Director, Division of Services for People with Disabilities, Utah Department of Human Services (*by phone*)

02:35:44 Ms. O'Connell (**Exhibit 10**)

02:38:00 Courtney Miller

### **Committee Questions of Ms. Miller**

02:47:34 Rep. Kelker asked about the differences in the four payment tiers used in Nebraska.

02:49:08 Clay Hiatt (**Exhibit 11**)

### **Committee Questions of Mr. Hiatt**

02:58:09 Rep. Kelker asked Mr. Hiatt if the turnover rate for direct care workers going from 86% annually to 57% annually is due to the increase in wages.

02:59:17 Rep. Kelker asked about the range of hourly wages.

### **Public Comment on the HJR 24 Study**

- 03:00:48 Eve Franklin, Montana Association of Community Disability Services  
03:11:03 Ken Brown, Opportunity Resources, Missoula  
03:18:17 Fran Sadowski, Chief Executive Officer, Montana Developmental Service Corporation  
03:27:03 Jean Morgan, Westmont, Helena  
03:30:43 Rose Hughes, Montana Association of Community Disability Services  
(Exhibit 12)  
03:35:04 Mike Mahoney, Family Outreach  
03:40:12 Beth Brennehan, Disability Rights Montana

### **Public Comment on Any Non-Agenda Item**

- 03:42:40 Shelly Johnson, Director, Alcohol and Drug Services of Gallatin County, Bozeman, opposed DPHHS' MAR Notice 37-835 and the adoption of the AMDD Medicaid Service Provider Manual for Adult Mental Health and Substance Use Disorder and said a small business impact statement should have been provided for the proposed rules.  
03:45:17 Bob Wigdorski, Executive Director, Gateway Community Services, Great Falls, asked the committee to object to the new Adult Mental Health and Substance Use Disorder manual.  
03:48:09 Amy Tenney, Chief Executive Office, Boyd Andrew Community Services, asked the committee to formally object to MAR Notice 37-835.  
03:50:56 Mike Cummins, Executive Director, Flathead Valley Chemical Dependency Clinic, commented on the proposed rule changes.  
03:56:13 Denise Schaffner, Executive Director, District II Alcohol and Drug Program, urged the committee to object to the department's proposed rule.  
04:01:16 Sen. Caferro commented on MAR Notice 37-835. She said the Department is rewriting the manual based on provider feedback.  
04:04:33 Ms. O'Connell distributed the letter from the Revenue and Transportation Interim Committee regarding the implementation of the rules adopted by the Department of Public Health and Human Services for the medical marijuana program based in Senate Bill 333. (Exhibit 13)

### **RECESS**

- 04:05:52 Sen. Caferro recessed the meeting at 12:11 p.m. until 8:00 a.m. on March 23, 2018. The committee then toured Westmont programs and facilities.