



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

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### 65th Montana Legislature

#### SENATE MEMBERS

MARY CAFERRO--Chair  
FREDERICK ( ERIC ) MOORE  
ALBERT OLSZEWSKI  
DIANE SANDS

#### HOUSE MEMBERS

DENNIS LENZ--Vice Chair  
KATHY KELKER  
JON KNOKEY  
GORDON PIERSON

#### COMMITTEE STAFF

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

# MINUTES LOG

September 14, 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.

Access to an electronic copy of these minutes and the audio or video recording is provided from the Legislative Branch home page at <http://leg.mt.gov>. On the left-side menu of the home page, select Committees, then Interim. Once on the page for Interim Committees, scroll down to the appropriate committee. The written Minutes Log, along with the audio and video recordings, is listed by meeting date on the interim committee's web page. Each of the Exhibits is linked and can be viewed by clicking on the Exhibit of interest. All Exhibits are public information and may be printed.

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

### COMMITTEE MEMBERS PRESENT

SEN. MARY CAFERRO, Chair  
REP. DENNIS LENZ, Vice Chair

SEN. FREDERICK (ERIC) MOORE (*by phone*)  
SEN. ALBERT OLSZEWSKI  
SEN. DIANE SANDS

REP. KATHY KELKER (*by phone*)  
REP. GORDON PIERSON

### COMMITTEE MEMBERS EXCUSED

REP. JON KNOKEY

### STAFF PRESENT

SUE O'CONNELL, Lead Staff  
FONG HOM, Secretary

**VISITORS' LIST** (Attachment 1)  
**AGENDA** (Attachment 2)

**RECONVENE/ROLL CALL**

00:00:01 Sen. Caferro called the meeting to order at 8:05 a.m. The secretary called the roll. Rep. Knokey was excused. (Attachment 3)

**OVERSIGHT ACTIVITIES: HEALTH AND HUMAN SERVICES TOPICS**

**ACEs Training in the Workplace - Somer Gauthier, McDonald's Owner/Operator**

00:02:45 Ms. Gauthier gave a presentation on how she has incorporated training on Adverse Childhood Experiences (ACEs) into her business and the effects it has had.

00:14:56 *Rep. Pierson arrived at 8:20 a.m.*

**Committee questions of Ms. Gauthier**

00:22:57 Sen. Sands asked if larger businesses in the community would consider implementing ACEs training.

00:28:45 Rep. Kelker commented that the ACEs training that Ms. Gauthier has developed could be a model for Montana's small businesses.

**COMMITTEE WORK SESSION: HJR 24 STUDY**

**Committee Discussion**

00:37:40 The committee discussed how to proceed with the HJR 24 Study work session.

**LCCF2a, propose inflationary increase for DD providers**

**Motion**

00:39:36 Rep. Kelker moved to approve LCCF2a as a committee bill.

**Committee discussion**

00:40:08 Rep. Lenz asked Ms. O'Connell about calculating the inflationary increase.

00:41:12 Sen. Sands discussed the new language on page 4 of LCCF2a and asked if that might be a policy proposal.

**Vote**

00:42:09 The motion passed unanimously by voice vote with Rep. Knokey voting aye by proxy.

**LCCF01, require use of validated assessment tools**

**Motion**

00:43:08 Rep. Kelker moved to approve LCCF01 as a committee bill.

**Committee discussion**

00:43:16 Rep. Lenz discussed the multidisciplinary approach and asked whether there needs to be something about current best practices in the bill.

00:44:16 Sen. Olszewski said the intent of the bill is to come up with a uniform assessment that can be used across the state and using a common system amongst the agencies and providers to do comparisons.

00:47:58 Sen. Sands asked about the bill having a fiscal note.

**Vote**

00:49:41 The motion passed 6-2 on a voice vote, with Sen. Moore and Rep. Lenz voting no, and Rep. Knokey voting aye by proxy.

**LCCF2b, provide direct-dare worker wage increase**

**Motion**

00:50:31 Rep. Kelker moved to approve LCCF2b as a committee bill.

**Committee discussion**

00:50:50 Sen. Moore spoke in favor of moving the bill draft forward.

**Vote**

00:51:50 The motion passed unanimously by voice vote, with Rep. Knokey voting aye by proxy.

**LCCF3a, establish grant program for community services**

**Motion**

00:52:24 Sen. Sands moved to approve LCCF3a as a committee bill.

**Committee discussion**

00:52:37 Rep. Lenz asked Ms. O'Connell about the process for obtaining the grants.

00:52:53 Ms. O'Connell referred the committee to New Section 3.

00:53:37 Sen. Moore asked Ms. O'Connell about the reference regarding the statutory appropriation.

00:54:38 Sen. Moore asked about the federal match.

00:54:50 Sen. Caferro explained the statutory appropriation in the 0208 Medicaid waiver for the developmental disability program.

00:57:07 Sen. Olszewski commented on the funding.

00:58:12 Rep. Lenz discussed his concerns regarding the statutory appropriation.

00:58:58 Sen. Sands talked about past discussions over how the money has been appropriated.

**Vote**

01:02:35 The motion passed 6-2, with Sen. Moore and Rep. Lenz voting no and Rep. Knokey voting aye by proxy.

**LCCF3b, require daily rates for certain waiver services**

**Motion**

01:03:23 Sen. Sands moved to approve LCCF3b as a committee bill.

**Committee discussion**

01:03:55 Rep. Kelker

**Vote**

01:04:28 The motion passed unanimously by voice vote, with Rep. Knokey voting aye by proxy.

### **LCCF4a, establish crisis response program with existing funding**

#### **Motion**

01:05:09 Sen. Sands moved to approve LCCF4a as a committee bill.

#### **Committee discussion**

01:05:28 Sen. Sands

01:05:44 Rep. Lenz

#### **Vote**

01:06:01 The motion passed unanimously by voice vote, with Rep. Knokey voting aye by proxy.

### **LCCF4b, establish crisis response program with new funding**

#### **Motion**

01:06:53 Rep. Kelker moved LCCF4b as a committee bill.

#### **Committee discussion**

01:07:06 Rep. Kelker

01:08:04 Sen. Olszewski

01:08:36 Rep. Lenz

#### **Roll Call Vote**

01:09:09 The motion passed on roll call vote, 5-3, with Sen. Caferro, Sen. Sands, Sen. Olszewski, Rep. Kelker, and Rep. Pierson voting yes; Sen. Moore, Rep. Lenz voting no; and Rep. Knokey voting no by proxy. ([Attachment 4](#))

### **LCCF05, require review of community DD system regulations**

#### **Motion**

01:11:09 Sen. Sands moved that LCCF05 proceed as a committee bill.

#### **Committee discussion**

01:11:28 Sen. Sands

01:11:54 Sen. Olszewski

#### **Vote**

01:12:24 The motion passed unanimously by voice vote, with Rep. Knokey voting aye by proxy.

### **Further discussion on LCCF4a**

01:13:11 Ms. O'Connell discussed the appropriations in LCCF4a.

01:14:18 Rep. Kelker discussed her proposal to create one team at the amount that was given in the draft proposal.

01:15:35 Sen. Olszewski said that one team for the biennium is \$235,450.

01:15:56 Rep. Kelker said that the intention of her motion is to have both of those figures in play.

01:16:55 Sen. Sands discussed the briefing paper "HJR 24 Study: Proposed Committee

Bill Drafts -- Key Changes and Decision Points". (See Exhibit 1, September 13, 2018 meeting)

**Motion on LCCF4a**

01:17:41 Rep. Kelker moved to appropriate the dollar amount (\$235,450) estimated for one team on page 4 of the briefing paper, "HJR 24 Study: Proposed Committee Bill Drafts -- Key Changes and Decision Points."

**Committee discussion**

01:18:08 Sen. Olszewski

01:18:57 Rep. Kelker

01:20:21 Sen. Sands

01:20:42 Sen. Olszewski proposed an amendment to Rep. Kelker's motion for two crisis teams using existing funds as proposed in LCCF4a and appropriating additional money as proposed in LCCF4b.

01:21:47 Rep. Kelker said she did not object to Sen. Olszewski's amendment.

**Substitute Motion**

01:23:47 Sen. Sands made a substitute motion to combine LCCF4a and LCCF4b and redirect existing funds of \$359,000 for one team and appropriate new money in the amount of \$235,450 for a second team.

**Committee discussion**

01:24:25 Sen. Olszewski discussed Sen. Sands' motion.

01:25:36 Ms. O'Connell asked about drafting the bill to reflect the committee's intent. She discussed the two options.

01:26:56 Sen. Olszewski said that he will support the substitute motion that combines the two bills.

01:28:34 The committee discussed when the committee would have a chance to review the redrafted bill. Ms. O'Connell asked if the committee wanted to designate a committee member to work with her on the final draft.

01:29:53 Rep. Kelker said she supports Sen. Sands' motion.

01:31:13 Ms. O'Connell said that the committee may want to reconsider its action on LCCF4a if the committee wants to only send one bill forward.

**Vote**

01:31:34 Sen. Olszewski's motion passed unanimously by voice vote, with Rep. Knokey voting aye by proxy.

**Motion**

01:31:58 Sen. Sands moved to go forward with LCCF4b as amended.

**Vote**

01:32:10 The motion passed unanimously by voice vote, with Rep. Knokey voting aye by proxy.

**Motion**

01:32:21 Sen. Sands moved to reconsider the committee's action on LCCF4a and have

only one combined bill on crisis services.

**Vote**

01:32:38 The motion passed 7-1, with Rep. Lenz voting no and Rep. Knokey voting aye by proxy.

**FINAL REPORT: CONCLUSIONS AND RECOMMENDATIONS**

**Motion**

01:34:09 Sen. Sands moved to adopt the final report of the HJR 24 Study.

**Vote**

01:34:24 The motion passed unanimously by voice vote, with Rep. Knokey voting aye by proxy.

**Break** (reconvened at 9:49 a.m.)

**AGENCY OVERSIGHT: SUICIDE PREVENTION**

**Biennial Suicide Reduction Plan**

01:44:52 Karl Rosston, Suicide Prevention Coordinator, DPHHS ([Exhibit 20](#))

Committee questions of Mr. Rosston

01:52:16 Sen. Sands asked about the number of people on Mr. Rosston's staff, the funding available for the suicide prevention program, and whether he is asking for additional funding to implement the strategic plan.

01:56:51 Sen. Olszewski asked if there is a direct linear correlation with the reduction in suicides in Butte Silverbow County.

01:58:16 Rep. Kelker asked if gun storage and gun safety is part of the strategic plan and whether there would be a need in that area for legislation.

**Update on the HB 118 Suicide Prevention Funds - Sheila Hogan, Director, DPHHS**

02:03:08 Director Hogan commented on the ACEs Program.

02:05:31 Director Hogan discussed the use of the suicide prevention funds appropriated in HB 118 (2017). She noted that Mr. Rosston had distributed a map of Montana showing the HB 118 grant awards. ([Exhibit 21](#))

Committee questions

02:14:29 Sen. Caferro noted that Director Hogan had suggested the presentation by Somer Gauthier.

02:15:09 Sen. Sands commented on finding ways to combat suicide and depression and putting that information out to the communities.

02:18:13 Rep. Kelker asked Director Hogan if there is a centralized way of collecting the data.

02:29:00 Sen. Olszewski said that last week Billings Center announced the start of a psychiatric residency in Montana in conjunction with the University of Washington that will make big improvements in dealing with issues of suicide, substance abuse, and mental health.

**AGENCY OVERSIGHT: AUTISM SERVICES - Marie Matthews, Medicaid and Health**

## **Services Branch Manager, DPHHS**

02:32:30 Ms. Matthews provided an update on the use of Applied Behavioral Analysis for autism services. ([Exhibit 22](#))

### Committee questions

02:36:09 Rep. Kelker asked about a waiting list for Applied Behavioral Analysis services.  
02:37:23 Sen. Caferro discussed the Medicaid state plan for children and the Children's Health Insurance Program (CHIP).  
02:37:49 Rep. Kelker discussed the current process of being admitted into the program based on a physician's evaluation and identification that the child that has autism.  
02:39:04 Rep. Kelker commented that there used to be clinics around the state that did a full circle evaluation. Rep. Kelker discussed the issue of parents having to go to a physician or a clinic and request an evaluation.  
02:40:06 Sen. Caferro asked if the END clinics are still in existence.  
02:40:20 Ms. Matthews discussed the END clinics as part of the children's autism waiver.  
02:41:56 Sen. Caferro discussed the CHIP bill.

## **GENERAL PUBLIC COMMENT**

02:45:10 Todd Garrison, former executive director of the ChildWise Institute, commented on the ACEs training. He encouraged the committee to pursue the possibility of having all correctional facilities trained in ACEs.  
02:49:49 Kali Wicks, Blue Cross Blue Shield of Montana, discussed what BCBS is doing in suicide prevention and awareness. She discussed the Big Blue Sky Initiative and mentioned the Opioid and Addiction Summit in Billings, Montana, in October.  
02:52:14 Jean Branscum, Chief Executive Officer, Montana Medical Association, gave an update on what the MMA is doing in the areas of substance use disorder and mental health.  
02:59:15 Mike Mahoney, Family Outreach, thanked the committee for supporting the proposed HJR 24 legislation and in particular the concern about crisis intervention.

## **Discussion on the Opioid and Addiction Summit in Billings, Montana**

03:00:50 Sen. Sands asked about members of the committee attending the Opioid and Addiction Summit in Billings.

## **Motion/Vote**

03:06:19 Sen. Sands moved that the Children, Families, Health and Human Services Interim Committee cover the costs of attending the Opioid and Addiction Summit in Billings, Montana. The motion passed unanimously by voice vote.

## **WORK SESSION: REMAINING COMMITTEE BUSINESS**

### **Assignment of Committee Bill Drafts**

03:09:14 LCCF01, Rep. Kelker will be primary sponsor with Sen. Caferro as backup.  
03:09:41 LCCF2a, Sen. Olszewski will be primary sponsor.  
03:10:12 LCCF2b, Rep. Pierson will be primary sponsor.  
03:10:27 LCCF3a, Rep. Kelker will be primary sponsor with Rep. Pierson as backup.  
03:10:54 LCCF3b, Sen. Olszewski will be primary sponsor.

- 03:11:22 LCCF4a and 4b combined, Rep. Pierson will be primary sponsor with Rep. Kelker assisting.
- 03:12:08 LCCF05, Sen. Sands will be primary sponsor with Sen. Olszewski as backup.
- 03:12:36 LC 35, Eliminate the HELP Act Oversight Committee, Sen. Caferro will be primary sponsor.
- 03:13:25 Sen. Caferro suggested making the Crisis Bill a biennial appropriation.
- 03:13:41 Sen. Olszewski commented.

#### **Administrative Rule Review Discussion**

- 03:14:19 Ms. O'Connell discussed the administrative rule review process. She asked the committee if the members were still interested in receiving the rule review from Alexis Sandru on a regular basis.
- 03:15:13 Sen. Sands said that receiving the rule review is important.

#### **Legislative Council Standing Committee Discussion - Sue O'Connell**

- 03:15:48 Ms. O'Connell discussed the memo from Sonja Nowakowski, Research Director, to the Legislative Council regarding a proposal to change the House Human Services Committee to a Class I committee during the 2019 legislative session.  
**(Exhibit 23)**

#### **Further comments**

- 03:17:47 Sen. Sands said she has appreciated working with the Department of Health and Human Services, appreciates the work done by Ms. O'Connell and the staff, and thanked Sen. Caferro for her leadership.
- 03:21:05 Sen. Caferro commented on being the chair of the CFHHS committee.

#### **ADJOURNMENT**

- 03:23:20 Sen. Caferro adjourned the meeting at 11:20 a.m.

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