



February 11, 2021

Dear House Business and Labor Committee:

HB 316--“AN ACT GENERALLY REVISING EMERGENCY AND DISASTER LAWS; PROVIDING FOR A LEGISLATIVE POLLING PROCESS BY THE SECRETARY OF STATE TO TERMINATE A GOVERNOR'S DECLARATION OF STATE OF EMERGENCY OR DISASTER; REVISING THE AUTHORITY OF THE GOVERNOR DURING A DECLARATION OF EMERGENCY OR DISASTER; AUTHORIZING A DIRECTIVE, MANDATE, OR ORDER ISSUED BY A LOCAL BOARD OF HEALTH OR LOCAL HEALTH OFFICER TO BE APPROVED BY A LOCAL GOVERNING BODY; PROVIDING FOR OVERSIGHT OF A LOCAL HEALTH OFFICER; PROVIDING FOR APPEAL OF A DIRECTIVE, MANDATE, OR ORDER TO THE LOCAL GOVERNING BODY;...

Montana Nurses Association opposes HB 316 for the following reasons:

- It seems that this bill is not looking at all the myriad of implications in play during states of emergency and disaster declared by the executive.
 - For instance, states of emergency dictate much of the funding that comes in to the state for costs and damages related to emergencies – for instance, hail storms, blizzards, forest fires and flooding from spring runoff all bring about states of emergency for which insurance coverage and governmental assistance are provided, not just healthcare.
- In healthcare, the state of emergency allows for the federal and state departments of health to waive and modify regulatory requirements on healthcare providers. Without those waivers in place, like we have had since March, healthcare providers could not have modified their practices and operations in a manner that allowed to maintain appropriate services to provide safe care and to protect patients. Due to these waivers, it allowed our healthcare providers (for example: nurses’ licensure requirements modified due to pandemic to expedite hiring for healthcare employers) to continue to provide a variety of services, through acute care, long-term care, telehealth, and other means, because the state of emergency remains in place.
- This bill is not considering, nor anticipating, any unintended consequences that could result by its passage. The allowance of an uninformed legislative process and similarly, and removes fact and evidence based local processes to inappropriately overturn a declaration of a state of emergency or disaster could resulting damage to our communities, Montanans, and businesses.
 - This bill sets forth a very uninformed legislative process that would not allow for the necessary public comment that is needed to ensure legislators have the information they need to know, and understand, in order to decide whether to terminate a state of emergency or disaster. Therefore, likely resulting in a vote that could have severe and irreversible unintended consequences impacting the ability of businesses and



- individuals to recover costs from disasters and emergencies, especially when it comes to healthcare providers being able to keep patients safe while also complying with the law
- For example, if the legislature were to terminate a state of emergency or disaster put in place by the federal government, but not recognized by the state, as in the case of our current health crisis, healthcare providers would be placed into a very confusing regulatory limbo as they try to manage compliance, address the increased need for healthcare staff, and facility operations.
 - Additionally, there is no rational basis or evidenced based processes outlined in this bill for which the legislature can overturn the executive declaration, and there is no requirement that the legislature can overturn a governor's decision based upon the information that shows the declaration is inappropriate, unnecessary, or detrimental.
 - On the other hand, the governor, being advised by the various departments (especially public health during a pandemic) do understand these details as it is their job to provide expertise in their respective areas. These advisors provide protection to ensure that unintended consequences relating to declarations of disaster and emergency states, and the duration of those declarations, do not occur.
 - The special session and voting by poll could lead to serious and unnecessary disastrous situations where the legislature overturns a governor's declarations on solely a political basis, and not based on data or evidence that shows why overturning or ending a declaration is rationally based. This action could be extremely detrimental to Montanans.
 - If the legislature wants to call a special session, because it feels that a declaration is not rationally based on data, evidence, and information that supports it, it should be done in the public forum and allow for the public discourse. This is necessary to ensure ALL of the issues related to the state of emergency or disaster, especially in relation to the health care regulatory system, are vetted, before any sort of potential override of declaration of such a state by the executive.
 - Finally, the continued attacks on our Public Health system and the professionals who are the experts, is an unsafe attempt to take away the ability of the local health authorities to ensure the public remains safe, which is necessary during a health emergency or disaster. Why are bills continuing to be brought forward to tie the hands of this professional body, already established in the localities all over this state to ensure that the public is kept safe? Public health authorities are staffed by professional nurses, physicians, epidemiologist, and virologists (just to name a few) who are the professionals we rely upon to keep our communities safe. They not only protect us from rats running around the restaurants where we eat, unsanitary conditions and undercooked food that could kill us, but these professionals spend their careers learning about the infectious diseases and illnesses that result from such issues and that could harm and kill our citizens. This result not only does not make sense, but it actually puts our communities in potential danger and encourages a potential health threat. I cannot image this is the precedent this legislature wants to set.



This is a reactionary bill that is not only unnecessary, but dangerous in the precedents it could set and the unintended consequences that it could bring about. This bill should not be passed. If in two years, once this Covid pandemic has settled, if there are public health decisions and processes driven by science and data that is determined detrimental, let the 2023 legislature address the public health profession then, after we have all had a moment to look back and decide, together, collaboratively, how we can do better.

Respectfully,

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