

**MINUTES****Senate Committee on Public Health, Welfare, and Labor  
House Committee on Public Health, Welfare, and Labor  
Wednesday, September 30, 2020  
1:30 P.M.**

Committee Members Present: Senators Missy Irvin, Chair; Ronald Caldwell, Scott Flippo, Kim Hammer, Jimmy Hickey, Jr., and Bill Sample Representatives Jack Ladyman, Chair; Mary Bentley Justin Boyd, Karilyn Brown, Bruce Coleman, Deborah Ferguson, Vice-Chair; Justin Gonzales, Lee Johnson, Austin McCollum, Clint Penzo, and Jeff Wardlaw

Other Legislators Present: Senators Breanne Davis, Trent Garner, and Mark Johnson Representatives Stan Berry, Harlan Breaux, Joe Cloud, Cameron Cooper, Dan Douglas, Vivian Flowers, Denise Garner, Jimmy Gazaway, John Maddox, Tippi McCullough, Reginald Murdock, Johnny Rye, Dan Sullivan, Dwight Tosh, and DeAnn Vaught

**Call to Order and Comments by the Chairs** Representative Ladyman called the meeting to order.

**Consideration to Adopt the September 09, 2020 Meeting Minutes [Exhibit C]** Without objection, the minutes were approved.

**COVID-19 Community Development Block Grant (CDBG) Allocation [Exhibit D]** James Hudson, Executive Vice-President Operations and General Counsel, Arkansas Economic Development Commission (AEDC) discussed the \$26 million that has been allocated to the CDBG fund by the state for COVID-19 response. Jean Noble, Director of Grants Management, AEDC discussed the guidance given to AEDC by the Department of Housing and Urban Development (HUD) which the plan on how to best spend the allocation was based. The plan meets the broad CDBG requirements which are to benefit low to moderate income persons, projects that meet an urgent need, or projects that eliminate slum and blight. Entitlement cities have already received direct allocations. Funds have been set aside for Public Services and Public Facilities, Food Assistance, Rental Assistance, Micro-enterprise Economic Development, and Administration to go towards non-entitlement cities.

**Addition of Waiver Slots for the Community and Employment Supports Waiver Program (Developmental Disabilities Waiver) [Exhibit E] [Exhibit E-1]** Mark White, Chief Legislative and Intergovernmental Affairs and Chief of Staff, Department of Human Services discussed the additional slots being added to the Community and Employment Supports Waiver. This is the Medicaid waiver for home and community based services that are used to serve the individuals that have and intellectual or developmental disability. This allows them to be served in their home or in the community. There are currently 4,700 individuals being served throughout the state with a waiting list of 3,521. Roughly 2,000 of those on the waiting list are Medicaid eligible meaning they receive some Medicaid services. 1,500 individuals are not eligible for Medicaid services, but would be through the waiver. Effective December 1, 2020, an additional 700 slots will be available. 600 will be available for everyone and 100 will be considered priority slots for children in the custody of the Division of Children and Family Services. In addition to the added slots, a new provider type certification is being proposed. It is being called the Community Support System Provider. This provider would be able to serve those with behavioral health needs and those with intellectual or developmental disability. Two levels of certification will be offered. The base level would consist of more non-clinical services like supported living and supported employment. A higher level of certification would allow for more clinical or intensive services. Services would include therapeutic communities and community reintegration.

**Preview of Pilot Launch for the Arkansas Integrated Eligibility System (ARIES) [Exhibit F]** Mary Franklin, Director, Division of County Operations, Department of Human Services discussed how ARIES allows for a streamline in determining eligibility. It integrates several assistance programs administered such as Health Care Medicaid Program, Supplemental Nutrition Assistance Program, and the Transitional Employment Assistance Program. The new system will also be adaptable to smart devices. Clients will also be able to manage their account information, check the status of their application, set up email and text alerts, and view any previous notices they may have received. \$111 million has been spent on ARIES in the state fiscal year 2020. A projection of \$94.6 million has been made in reference to the total cost of state fiscal year 2021. ARIES will be implemented in a phased approach using a pilot before launching statewide. The counties in which it will be implemented are Carroll, Hot Spring, Independence, Lafayette, and Pope. The pilot will begin in December 2020, half of the remaining counties in January of 2021, and the other half implemented in April of 2021.

**Department of Human Services, Division of Medical Services, Review of Rule [Exhibit G]** Elizabeth Pittman, Deputy Director, Division of Medical Services discussed the state plan amendment and rule for the ambulance assessment and access payment. It is for private ambulance services across the state. There will be an assessment of revenue to generate state dollars which will then be put into a pool for their access payment. The access payment will be based on the average commercial rate. This rate is set by combining the Medicare rate, Medicaid rate and commercial payer rates. Up to 80 percent upper payment limit of the rate will be paid.

**Representative Ladyman stated that without objection, the rule stands as reviewed.**

**Arkansas Department of Health, Review of Rules [Exhibit H]** Laura Shue, General Counsel, Arkansas Department of Health discussed the rule governing the licensure of interpreters between hearing individuals and individuals who are deaf, deafblind, heard of hearing or oral deaf. Revisions include adding automatic licensure for returning military veterans and their spouses, temporary provisional licensure amendments, and a reduction in the initial application fee.

**Representative Ladyman stated that without objection, the rule stands as reviewed.**

**Arkansas Department of Health, Review of Rules for Free-Standing Birthing Centers [Exhibit I]** Laura Shue, General Counsel, Arkansas Department of Health discussed the reporting requirement for transferring patients to a hospital or any other type of licensed healthcare facility. The facility would be responsible for ensuring the Centers for Disease Control and Prevention guidelines are met. There are not currently any free-standing birthing centers in Arkansas, but the rules are for any future birthing centers that may open.

**Representative Ladyman stated that without objection, the rule stands as reviewed.**

**Arkansas Department of Health, Review of Rules for Orthotic, Prosthetic, and Pedorthic Providers [Exhibit J]** Laura Shue, General Counsel, Arkansas Department of Health discussed the revisions made in order to comply with Acts 426, 820, 990, and 1011. There is no financial impact.

**Representative Ladyman stated that without objection, the rule stands as reviewed.**

**Arkansas Department of Health, Review of Rule Pertaining to Milk Bank Standards [Exhibit K]** Laura Shue, General Counsel, Arkansas Department of Health discussed the standards set by the rule in regards to the transportation, the processing, and the distribution of commercial human breast milk. These would apply to both for-profit and non-profit businesses. The department developed the standards based on the nationally recognized Human Milk Bank Association of North America standards. These standards addressed issues such as donor screening, serological tests, equipment, temperature, and lab standards. The rule is proactive as there are no milk banks currently in Arkansas.

**Representative Ladyman stated that without objection, the rule stands as reviewed.**

**Health Services Subcommittee Report** Representative Deborah Ferguson reported that the Health Services Subcommittee discussed ISP2019-170, ISP2019-171, and ISP2019-172 in the September 30, 2020 meeting that took place at 10:00 AM.

**Interim Study Proposals** Representative Deborah Ferguson made a motion to accept all ten of the ISPs listed on the agenda. This was seconded by Representative Mary Bentley. Without objection, the motion passed.

**Other Business** Chris Howlett, Administrator, Employment Benefits Division (EBD) gave an update in regards to the decision made by the EBD discussed at the previous Public Health meeting. There is an increase to rates by 5 percent across the board that is currently active for Medicare and non-Medicare retirees. There is also an increase in state contribution going from \$420 to \$450 a month and a reduction in wellness credit from \$75 to \$50 a month. A voluntary option for the Medicare retirees that elect to move to a Part D plan would allow for a \$25 reduction in their monthly premiums.

Without further business, the meeting was adjourned at 3:05 PM.