MINUTES

SENATE COMMITTEE ON PUBLIC HEALTH, WELFARE, AND LABOR
HOUSE COMMITTEE ON PUBLIC HEALTH, WELFARE, AND LABOR

MEETING JOINTLY

FEBRUARY 10, 2020

The Senate and House Committees on Public Health, Welfare, and Labor met on Monday, February 10, 2020 at 1:30 p.m., in Room 171, State Capitol Building, Little Rock, Arkansas.

Committee members present: Senators Irvin, Chair, Ronald Caldwell, Scott Flippo, Kim Hammer, and Jimmy Hickey. Representatives Jack Ladyman, Chair, Mary Bentley, Justin Boyd, Karilyn Brown, Bruce Coleman, Deborah Ferguson, Kenneth Ferguson, Justin Gonzales, Lee Johnson, Fredrick Love, Stephen Magie, Austin McCollum, John Payton, Clint Penzo, Mark Perry, and Jeff Wardlaw.

Other legislators present: Senators Bob Ballinger and Trent Garner. Representatives Johnny Rye and Dwight Tosh.

Call to Order: Senator Irvin called the meeting to order.

Comments by the Chairs: Senator Irvin announced upcoming committee meetings scheduled for February 12, 2020 at 10:00 a.m. at the Arkansas Heart Hospital and on February 19, 2020, a joint meeting with the Senate and House Insurance and Commerce Committees at 1:00 p.m. in Committee Room A, MAC Building.

Consideration to Adopt the January 6, 2020 Meeting Minutes [Exhibit C]
A motion to adopt the meeting minutes of the January 6, 2020 meeting was made by Senator Hammer and seconded by Senator Flippo. The motion was approved.

Update on the University of Arkansas for Medical Sciences (UAMS) Cancer Institute Designation (Exhibit H)
Senator Irvin recognized Cam Patterson, MD, MBA, Chancellor, University of Arkansas for Medical Sciences (UAMS). Dr. Patterson told legislators the Department of Finance and Administration (DF&A) has estimated tax revenues of $7 million in support of UAMS as it works to obtain designation as a National Cancer Institute (NCI).

Dr. Patterson introduced Michael Birrer, MD, PhD, Vice Chancellor and Director, UAMS Cancer Institute. Dr. Birrer spoke about the significance of the designation as it will improve the hospital's ability to recruit the best researchers and clinicians. UAMS will also need to significantly enlarge its laboratory based research facilities. Currently, advertisements have been placed in top level medical journals. 3 individuals have been hired who will bring between $2 to $3 million in grants into the program. Other aspects include:

- 100 patients are currently enrolled in clinical trials
- 5 physicians will begin work in July, 2020
- A functional cancer network will be developed to provide care and clinical trials across the state
- UAMS hopes to obtain the NCI designation in 2 to 4 years

- Mississippi and Louisiana have already obtained national cancer institute designation

Dorothy Graves, Associate Director for Administration, Winthrop P. Rockefeller Cancer Institute answered questions from legislators regarding administrative cost data.

Department of Human Services (DHS), Division of Developmental Disabilities Services, Review of a Rule to Amend the Autism Waiver to expand capacity by 30 slots to provide early intervention treatment for children diagnosed with autism spectrum disorder and to amend the Autism Waiver Provider Manual to be consistent with the waiver. This rule enacts the provision of Act 874 of 2019. (Exhibit D)

Senator Irvin recognized Mark White, JD, Chief Legislative and Intergovernmental Affairs Officer and Chief of Staff, DHS and Melissa Stone, Director, Division of Developmental Disabilities Services (DDS), DHS, and Thomas Tarpley, Deputy Director, Division of Developmental Disabilities Services, DHS. Ms. Stone presented the Autism Waiver, which is administered by DDS:

- The waiver is provided to children with an autism diagnosis between birth to 7 years of age
- 150 children are currently enrolled on the waiver
- DDS is seekng 30 additional slots
- The waiver focuses on the treatment of children in their natural environment, home, church, or within their community and includes the child's family
- In addition to the waiver amendment, a corresponding Medicaid manual provides detailed information of the array of services provided
- The amendment has been sent to the Centers for Medicare and Medicaid Services (CMS) for approval
- A telephone call with CMS is scheduled on February 13, 2020 to respond to questions
- Upon approval by CMS the 30 additional waiver slots will be available on March 1, 2020

Legislators discussed the possibility of eliminating any waiting list for children in need of the autism waiver.

Senator Irvin stated that without objection the rule will stand as reviewed.

Arkansas Department of Health (ADH), Public Health Lab, Review of a Rule pertaining to testing of Newborn Infants, Review of a Rule adds tests for newborn screening including for Spinal Muscular Atrophy, (SMA) pursuant to Act 58 of 2019. It also adds three additional tests for Pompe Disease, MPS 1 spectrum of disease, and childhood onset (cerebral) X-ALD. The four tests can be performed in the local health laboratory utilizing existing blood samples without having to require new blood samples from the hospital. The current fee is $121.00 and the proposed amendment adds an additional $10.00 charge for the SMA test. [Exhibit E]

Senator Irvin recognized Laura Shue, JD, General Counsel, ADH, Glen Baker, MD, Director Public Health Laboratory, ADH, and Cristy Sellers, MS, RD, LD, Center for Health Advancement, ADH. Ms. Shue presented the rule pursuant to Act 58 of 2019 regarding testing of newborn infants:

- Proposed amendments to rules adds tests for the screening of newborns for spinal muscular atrophy (SMA)
- 3 additional tests include the Pompe Disease, MPS 1 spectrum of disease, and childhood onset (cerebral) X-ALD
- Currently there is a $121.00 fee for the tests
- The proposed amendment will add an additional $10.00 charge for 3 additional tests, including the SMA

- 29 tests are currently performed at the Public Health Laboratory following the birth of an infant
- The proposed amendments to the rules pertains to tests approved by the Arkansas State Board of Health on October 29, 2019
- The rules were filed with the Arkansas Secretary of State's office and the Bureau of Legislative Research on December 30, 2019
- A 30 day comment period will continue until February 12, 2020

Dr. Baker presented detailed background on the testing of newborns:

- Samples taken from newborns are sent the Public Health Laboratory where tests are performed
- Tests results are sent to clinics, hospitals, and the Federal Drug Administration (FDA)
- The SMA test is a molecular test requiring DNA extraction from blood and identification of a missing gene in a particular chromosome
- This test has not been approved by the FDA, but recommendations from the screening bodies instructs states to perform the SMA test
- There is an avenue for laboratories to develop their own assay test and receive laboratory approval from the FDA
- The ADH is in the process of completing this test with equipment in place and individuals trained to perform the tests
- The ADH is also working with other states who have the test available online and have already gone through the same process
- The ADH has collected samples from those states that are positive and is in the position to analyze negative samples to ensure the assay test is valid and correct
- The foundation of the test will be finished within the week
- The protocol requires blood samples
- The ADH already has sufficient samples for the four new assay tests

Legislators discussed national testing recommendations with Dr. Baker who explained that a national body, the Recommended Uniform Screening Panel serves under the United States Secretary of Health. The panel makes recommendations as it evaluates inherited or congenital diseases. The ADH attempts to stay current with the Panel's recommendations.

Senator Irvin stated that without objection the rule will stand as reviewed.

Arkansas Department of Health (ADH), Health Facility Services, Review of a Rule pertaining to the licensing standards for perfusionists. This rule change implements the changes in Act 315 of 2019 eliminating the word regulations, adds definition of returning military veteran and added military licensing requirements in Act 820 of 2019, adds reciprocity language in good standing from Act 1011 of 2019, adds criminal history background disqualifications from Act 990 of 2019 and adds severability clause to all ADH rules for continuity. [Exhibit F]

Senator Irvin recognized Laura Shue, JD, General Counsel, ADH. Ms. Shue presented actions taken by the ADH in accordance with occupational licensure requirements passed in the 92nd legislative session:

- 27 rules were promulgated in 2019, 13 are in accordance with the occupational licensure requirements passed in 2019
- Military licensing requirements defining the returning military veteran were added in accordance with Act 820 of 2019, plus the reciprocity portion of the rule
- In accordance with Act 990 of 2019, regarding a criminal history background disqualification, a public hearing was held January 15, 2020

Ms. Shue also discussed the board certification requirement for profusionist, individuals who operate heart and lung bypass equipment during open heart surgeries. Currently, 18 states follow the American Board of Cardiovascular Profusion (ABCP) requirements for individuals to apply for certification

Senator Irvin stated that without objection the rule will stand as reviewed.

Update on Vaping Related Illnesses and Actions being taken at the State and Federal Level and Update on the Coronavirus

Senator Irvin recognized Nathaniel Smith, MD, MPH, Secretary of Health. Dr. Smith gave a PowerPoint presentation and update on e-cigarette or vaping product use associated lung injury or EVALI:

- Traditional E-cigarette products have an area for liquid with a heating element with vapor breathed into the lungs
- The liquids used in these devices are unregulated with a variety of chemicals and compounds, particularly with flavorings
- Safety of the products for inhalation is not well studied with some known to be damaging and/or injurious
- The Arkansas Department of Health (ADH) has been reviewing the products for over the past 10 years
- Over previous years a dramatic increase in nicotine addiction has occurred through Vaping devices
- In 2018, statistics indicate approximately 1/3rd of 12th grade students used an e-cigarette or vaping device

Dr. Smith discussed EVALI, e-cigarette or vaping associated lung injury:

- Every state in the U.S. has had cases with severe injuries reported resulting in hospitalization and some deaths
- Beginning January, 2020, there have been 21 reported cases, which is a decline from a reported 200 per week down to 2
- In the U.S. over 2,500 individuals have required hospitalization
- Of the reported cases, 2/3rds of the cases were males
- Of the 2,000 cases with substance use information over 80% were found to have been using a THC product
- There was a strong association with THC containing devices in Arkansas with 23 cases either confirmed or probable
- There have been no additional cases reported
- The median age of individuals has been between 17 to 54 years of age

Legislators discussed with Dr. Balamurugan, Acting Chief Medical Officer, State Chronic Disease Director whether or not there are states considering the eliminating refillable products being sold. Dr. Balamurugan advised the states currently considering legislation to eliminate certain types of e-cigarettes are New Jersey, Illinois, and Iowa.

Update on University of Arkansas for Medical Sciences (UAMS) Cancer Institute Designation [Exhibit H]

This item was discussed at the beginning of the meeting.

Dr. Smith gave a PowerPoint presentation and update on the 2019 Novel Coronavirus:

- The is a new virus and first appeared in December, 2019 and has been spreading rapidly
- The first case of the virus found in the U.S. was in Washington State
- Dr. Smith discussed the origins of the virus in Wuhan, China with a population of 11 million
- Wuhan, China is a major transportation hub within China, linked to Beijing, Shanghai and other major cities by high-speed railways and domestic airlines
- 5 million people had left the city before travel restrictions were put in place
- As of February 4, 2020, the majority of cases have been in China, but there have been cases throughout the world including a total of 12 in the U.S.
- January 30, 2020 the World Health Organization (WHO) declared this to be a public health emergency of international concern
- The U.S. has taken very aggressive measures in an attempt to keep the virus from spreading
- The National Institute of Health is moving forward with a biotech company hoping to have something in place by April, 2020 for human testing
- Unfortunately, it could take as long as 1 to 2 years to develop a safe and effective vaccine
- All testing is being done by the CDC with test kits being deployed to all state laboratories.
- The ADH is doing everything possible to prevent the spread

There being no further business, the meeting adjourned at 4:00 p.m.