

MINUTES
Senate Committee on Public Health, Welfare, and Labor
House Committee on Public Health, Welfare, and Labor
Meeting Jointly
Monday, March 9, 2020
1:30 PM

The Senate and House Committees on Public Health, Welfare, and Labor met on Monday, March 09, 2020, at 1:30 p.m., in Room 171, State Capitol Building, Little Rock, Arkansas.

Committee Members Present: **Senators** Missy Irvin, Chair, David Wallace, Vice Chair, Bill Sample, Ronald Caldwell, Scott Flippo, and Kim Hammer. **Representatives** Jack Ladyman, Chair, Deborah Ferguson, Vice Chair, Frederick Love, Jeff Wardlaw, Josh Miller, Richard Womack, John Payton, Mary Bentley, Michelle Gray, Justin Gonzales, Kenneth Ferguson, Justin Boyd, Karilyn Brown, Austin McCollum, Bruce Coleman, and Clint Penzo.

Other Legislators Present: **Representatives** Marcus Richmond, Keith Slape, Joe Cloud, Stu Smith and Tippi McCollough.

Call to Order and Comments by the Chairs: Representative Ladyman called the meeting to order. The next Public Health meeting will be on April 6th at 1:30 p.m. Senator Irvin thanked everyone who attended the press conference in reference to the COVID-19 virus.

Consideration to Adopt Meeting Minutes from February 10, February 12, and February 19, 2020 (Exhibit C-1, C-2, & C-3)

Representative Ladyman stated that without objection the minutes were adopted.

Update on the Coronavirus (COVID-19) and the Flu Virus

Nathaniel Smith, MD, MPH, Secretary of Health and **Jennifer Dillaha, MD, Medical Director, Immunization and Outbreak Response, ADH**, presented an update on COVID-19 and the flu virus. Currently, there are no known cases of COVID-19 within the state of Arkansas, however, over 100 travelers are being monitored for symptoms of the virus, specifically those returning from high risk locations. The ADH is relying on travelers to self-report if they feel they may have been exposed to the virus, but can require travelers be quarantined if they feel it is necessary to do so. More vulnerable populations such as those with underlying medical conditions and the elderly are also being monitored for symptoms. Those in nursing homes will have their visitors screened in order to better protect them. Currently, the state possesses approximately 2000 testing kits and has the ability to request more if needed. To date, there have been more deaths from influenza (82 deaths) than from COVID-19, but the potential of death with COVID-19 still continues to rise. If individuals feel they may be experiencing symptoms of said virus, they may contact an emergency call center for help in identifying whether or not they should seek further medical help.

Mission of the Arkansas Workers' Compensation Commission

David Greenbaum, JD, Chief Executive Office, Arkansas Workers' Compensation Commission, explained the commission's goal which is to administer Arkansas compensation laws and pay timely benefits to legitimately injured workers. Employers inform employees of their rights in regards to changing physicians if they're not satisfied with the physician they were referred to at the time of injury. If the diagnosis of an injured worker is questioned, the parties involved would then agree upon another doctor that would reach their own diagnosis. If the

doctors can't agree on a diagnosis, then the injured worker's case would get assigned to an adjudication division for review of medical opinions.

Arkansas Department of Human Services Rule of Review (Exhibit F)

Mark White, Chief Legislative and Intergovernmental Affairs Officer and Chief of Staff and **Jay Hill, Director, Division of Aging Adult and Behavioral Health Services**, discussed an amendment to the Living Choices Medicaid waiver which is used to provide assisted living services for the disabled and elderly. The proposed rule states that over a two-year period, rates would be increased from a total of \$62.89 to \$68.51 based on a rate study created by the consulting firm Milliman. This comes after a gradual decrease from the original amount of \$80.33.

Public Testimony

Todd Hightower, Health Mark Service, Arkansas Residential Assisted Living Association (ARALA), stated his concern in regards to the quality of care for those living in assisted living homes due to the lack of a rate increase since 2014. Even with cuts to other areas of day-to-day operations, the minimum wage increase is detrimental especially with a rate decrease.

Ed Holman, ARALA, discussed the lack of an increase in the wages of nurses and nurse's aide. He also compared the cost of operating nursing homes and assisted living facilities while pointing out it is impossible to have a cash flow if paying the minimum wage requirement to all employees involved.

Scott Kingsborough, The Manor, discussed that the amount of money going into the facilities isn't enough for businesses to continue operating with the minimum wage increase.

Senator Hammer made a motion to have Sections I.2 and J.1 stricken with the remainder of the rule standing as reviewed.

Representative Gray made a substitute motion to consider the rule reviewed in its entirety. The substitute motion was seconded, but failed.

The proposed rule was withdrawn by DHS for further study.

Arkansas Department of Health (ADH), Center for Local Public Health, Review of Rule Pertaining to General Sanitation (Exhibit G)

Chuck Thompson, Managing Attorney, ADH for the Rules of General Sanitation and **Jeff Stone, Director, Engineering ADH**, spoke of the proposed rule related to general sanitation, specifically Subsection C, Section 8, Act 315, and Act 708. The purpose of the rule is to clean up specific language to better match the way the law reads.

Representative Ladyman Stated that without objection the rule stands as reviewed.

Arkansas Tobacco Settlement Commission (ATSC) (Exhibit H)

Matt Gilmore, Boards and Commissions Coordinator, ADH, spoke on the programs provided by the ATSC during the months of April-June 2019. Programs help improve health through educational methods. Services include exercise, health clinics, and health screenings. Outside funding is leveraged from federal funds, donations, and volunteer hours. Educational programs in regards to vaping are in place through the Department of Health.

Interim Study Proposals

Motion to Adopt for Study/Second

ISP2019-083 Rep. Payton / Rep. Bentley
ISP2019-135 Rep. Boyd / Rep. Bentley
ISP2019-138 Sen. Irvin / Rep. Boyd
ISP2019-146 Rep. Boyd / Sen. Irvin
ISP2019-147 Sen. Irvin / Rep. Boyd

Passed Over

ISP2019-081: Sponsor not present
ISP2019-093: Sponsor not present
ISP2019-001: Sponsor not present
ISP2019-006: Sponsor not present
ISP2019-032: *
ISP2019-033: *
ISP2019-136: Sponsor not present.

*Re-referred to Legislative Council to be referred to another committee.

Arkansas Department of Energy and Environment, Division of Environmental Quality, Review of Rule 5 (Exhibit J)

Bob Blanz, PhD, Associate Director of Water for Division of Environmental Quality, Department of Energy and Environment, and Mike McAlister, Associate Chief Counsel for Department of Energy and Environment, proposed making the moratorium on confined animal operations of a certain size in the Buffalo National River Watershed permanent. The Buffalo River Conservation Committee is currently working on methods of bettering the quality of the river, such as addressing the increase of tourism in the area.

Representative Wardlaw made a motion to hold the request to review the rule at the next meeting. Without objection, the motion carried.

Arkansas Department of Energy and Environment, Division of Environment Quality, Review of Rule 6 (Exhibit K)

Mike McAlister, Associate Chief Counsel for Department of Energy and Environment, discussed the proposed rule. Revisions to the rule include statutory revisions, clarification of several provisions, and the implementation of the Governor's directive to make the current moratorium on confined animal operations permanent discussed in Rule No.5.

Senator Caldwell made a motion to hold the rule review until the next meeting with a second from Representative Wardlaw, and the motion carried.

With no further business, the meeting adjourned at 3:53 p.m.