

MINUTES

**Senate Committee on Public Health, Welfare, and Labor
House Committee on Public Health, Welfare, and Labor
Monday, December 14, 2020
1:30 P.M.**

Committee Members Present: Senators Missy Irvin, Chair; Scott Flippo, Kim Hammer, Bill Sample and David Wallace Representatives Jack Ladyman, Chair; Mary Bentley, Justin Boyd, Karilyn Brown, Bruce Coleman, Justin Gonzales, Michelle Gray, Lee Johnson, Fredrick Love, Josh Miller, John Payton, Clint Penzo, Mark Perry, and Jeff Wardlaw

Other Legislators Present: Senators Breanne Davis, Bart Hester, Ricky Hill, Matthew Pitsch, Jason Rapert, Bill Sample, Gary Stubblefield, and Larry Teague Representatives Stan Berry, Joe Cloud, Cameron Cooper, Marsh Davis, Jim Dotson, Jon Eubanks, Jack Fortner, Steve Hollowell, Roger Lynch, John Maddox, Reginald Murdock, Aaron Pilkington, Jay Richardson, Johnny Rye, Stu Smith, Jamie Scott, Jeff Wardlaw, and Danny Watson

Call to Order and Comments by the Chairs Senator Irvin called the meeting to order.

Consideration to Adopt the November 30, 2020, and December 2, 2020, Meeting Minutes [Exhibits C and C-1] Without objection, the minutes were approved.

Arkansas Department of Health, Division of Health Related Boards and Commissions/State Board of Nursing Review of Rules [Exhibit D] Sue Tedford, MNSc, APRN, Director, Arkansas State Board of Nursing discussed Chapter 1 General Provisions, Chapter 2 Licensure: RN, LPN and LPTN, Chapter 4 Advanced Practice Registered Nurse, Chapter 6 Standards for Nursing Education Programs, Chapter 7 Rules of Procedure, Chapter 8 Medication Assistant-Certified, Chapter 9 Insulin and Glucagon Administration.

Senator Irvin stated that without objection, the item is reviewed.

Arkansas Dept. of Health, Division of Pharmacy Services, Review of Rule [Exhibit E] Laura Shue, JD, General Counsel, Arkansas Department of Health discussed the revision and publication of the controlled substances list annually. This includes additional substances that have been designated as controlled substances or de-scheduled under federal law.

Senator Irvin stated that without objection, the item is reviewed.

Arkansas Dept. of Health, Health Facility Services, Review of Rules [Exhibit F] Laura Shue, JD, General Counsel, Arkansas Department of Health discussed rules concerning abortion laws including the removal of the word "regulation". It would also require amendments to include information about the reversal of abortion-inducing drugs, the right to know, the reporting of complications, and perinatal palliative care.

Senator Irvin stated that without objection, the item is reviewed.

Arkansas Department of Human Services Update on Activities in 2020 Cindy Gillespie, Secretary of the Department of Human Services discussed some of the 26 rule changes that were requested by DHS throughout the year. Changes include an ambulance assessment program, automated background checks, waiver tracking systems, and online maltreatment checks. Future efforts will be focused on filling gaps and expanding acute crisis services statewide especially in rural areas.

Arkansas Dept. of Human Services, Division of Medical Services, Review of Rule [Exhibit H] Mark White, Chief Legislative and Governmental Affairs Officer, DHS discussed a repeal in regards to the Medicaid Provider Manual. There is a five section manual for each individual provider type. Four of the sections are the same from manual to manual, but one of them is unique to each of the manuals. Each unique section includes things such a form names and where to find certain information. The repeal will essentially unpromulgate the unique manual section making it so approval is not needed each time the name of a form changes or a web address changes.

Senator Irvin stated that without objection, the item is reviewed.

Arkansas Dept. of Human Services, Division of Developmental Disabilities Services, Review of Rule [Exhibit I] Melissa Stone, Director, Division of Developmental Disabilities, DHS discussed a replacement for the Early Intervention Day Treatment (EIDT) Medicaid Provider Manual. It would facilitate billing for EIDT services, update language, and establish new rules in relation to licensure and monitoring. Centers provide occupational therapy, speech therapy, and nursing service if needed. A core service called Day Habilitation is also offered. Standards already in place for children and adults are being retired and new standards for both children and adults are being put in place.

Senator Irvin stated that without objection, the item is reviewed.

Arkansas Dept. of Human Services, Division of Developmental Disabilities Services, Review of Rule [Exhibit J] Mark White, Chief Legislative and Governmental Affairs, DHS discussed the rule similar to Exhibit I that would address the adult side of the rules using the same approach. Providers will, however, be required to install alarm systems in transportation vehicles, but will be allowed a 90 day implementation window beginning January 1, 2021.

Senator Irvin stated that without objection, the item is reviewed.

Arkansas Dept. of Human Services, Division of Developmental Disabilities, Review of Rule [Exhibit L] Melissa Stone, Director, Division, of Developmental Disabilities, DHS discussed the changes to the State Plan that will pertain to occupational therapy evaluations and physical therapy evaluations. Complexity warranted codes will now be used when billing. They will no longer will be time warranted codes, but they will be based on the complexity of the evaluation being conducted.

Senator Irvin stated that without objection, the item is reviewed.

Arkansas Dept. of Human Services, Division of Medical Services, Review of Rule [Exhibit M] Mark White, Chief Legislative and Governmental Affairs Officer, DHS discussed the proposal of a new certification manual for a new provider type known as the Community Support Systems Provider (CSSP). CSSP would serve the developmentally disabled population and the behavioral health needs population. Melissa Stone, Director, Division of Developmental Disabilities, DHS and Patricia Gann, Deputy Director, Division of Aging, Adult, and Behavioral Health Services, DHS both discussed tiers 2 and 3 that will be served by CSSP. Services that were historically for the behavioral health population and services historically for the developmentally disabled population are essentially being mixed and put under one provider type. This, however, does not mean other types are being removed. It simply allows providers to offer more provider types if they meet certain

requirements. It is not mandatory, but certification is required in order to provide services. Training for those in CSSP providing the services, paraprofessionals, is roughly 12 hours a year.

Joel Landreneau, Behavioral Health Providers Association discussed the problems the proposed provider type may potentially solve, but also presented concerns that the behavioral agency certification rules will still apply to behavioral health agencies who want to provide services to tier 1 clients allowing those serving tier 1 clients to serve tier 2 and 3 clients when they are not certified to do so.

Carol Moore, President, Behavioral Health Providers Association discussed the clinical effects of the provider type including the lack of training required and supervision.

Senator Irvin stated that the item stands reviewed with objection.

Arkansas Dept. of Human Services, Division of Medical Services, Review of Rule

[Exhibit N] Mark White, Chief Legislative and Governmental Affairs Officer, DHS discussed simplification in regards to the eligibility reevaluation process and appeals process for Long Term Care and Home and Community Based (HCBS) Medicaid waivers. This provides services to the frail elderly and adults with physical disabilities. Mary Franklin, Director, Division of County Operations, DHS discussed changes which include removing the annual independent assessment and allowing for appeal cases to remain open unless a beneficiary chooses not to continue services during the appeals process.

Senator Irvin stated that without objection, the item stands as reviewed.

Arkansas Dept. of Human Services, Division of Medical Services, Review of Rule

[Exhibit O] Mark White, Chief Legislative and Governmental Affairs Officer, DHS discussed the need to expand acute crisis capacity throughout the state. Four crisis stabilization units already exist, but similar services are also needed in other parts of the state.

Senator Irvin stated that without objection, the item stands as reviewed.

Arkansas Dept. of Human Services, Division of Medical Services, Review of Rule

[Exhibit P] Mark White, Chief Legislative and Governmental Affairs Officer, DHS discussed a 3% fee increase for physicians on top of a 5% increase already discussed previously.

Senator Irvin stated that without objection, the item stands as reviewed.

Arkansas Dept. of Human Services, Division of Medical Services, Review of Rule

[Exhibit Q] Mark White, Chief Legislative and Governmental Affairs Officer, DHS discussed an increase in the personal care rate by 13.72% effective January 1, 2021. This would include all fee for service personal care. Janet Mann, Director, Division of Medical Services, DHS discussed the indicators that will determine if the rate increases will actually address the issue at hand. Maps indicate where providers are located within the state of Arkansas and bordering counties outside of Arkansas as it relates to beneficiaries. This would include billing providers and rendering providers which would then be laid on the map of beneficiaries to determine if there is an access to care issue.

Senator Irvin stated that without objection, the item stands as reviewed.

Interim Study Proposals

Motion to Adopt for Study/Second
Sen. Flippo/ Rep.Ladyman

2019-186 To authorize pharmacists to prescribe and monitor medications; and for other purposes.

Representative Gonzales made a motion to adopt ISP2019-174 sponsored by Representative Love.

Representative Ladyman seconded the motion.

After discussion by the committee, the motion failed.

Prevention of Unplanned Pregnancy on Campus and Prevention of Sexual Assault on Campus Annual Status Report [Exhibit S] Senator Missy Irvin discussed the annual status report and wanted to examine the number of males that are falsely accused of sexual assault as well.

Senator Irvin stated that without objection, the item stands as reviewed.

PANS/PANDA Advisory Council Proposed Legislation [Exhibit T] [Handout 1] Senator Kim Hammer discussed the report required by the PANS/PANDAS Advisory Council to be presented to the Public Health Committee. The affiliations cultivated by the council include University of Arkansas Medical Sciences (UAMS), Arkansas Children's Hospital, and the Philanthropy for Active Civic Engagement Foundation. As a result, Arkansas is now in conjunction with universities such as University of Arizona, University of California, Los Angeles, and Stanford University. The state will participate in a clinical trial conducted by the Food and Drug Administration in order to enable insurance companies and Medicaid to pay for treatment after a physician has diagnosed a patient. An anonymous donation was also made to UAMS to staff a nurse for a year in order to expedite seeing patients.

Other Business Representative Jack Ladyman discussed the request for information regarding the COVID-19 vaccine. Arkansas received roughly 25,000 vaccines that will be administered directly to large hospitals. Smaller hospitals will receive vaccines from pharmacies located throughout the state.

With no further business, the meeting was adjourned at 4:26 PM.