

**AGENDA**  
**Senate Committee on Public Health, Welfare, and Labor**  
**House Committee on Public Health, Welfare, and Labor**  
**Meeting Jointly**

---

**Monday, December 6, 2021**

**9:00 AM**

**Room A, MAC**  
**Little Rock, Arkansas**

---

Sen. Cecile Bledsoe, Chair  
Sen. Scott Flippo, Vice-Chair  
Sen. Bart Hester  
Sen. David Wallace  
Sen. Breanne Davis  
Sen. Kim Hammer  
Sen. Dan Sullivan  
Sen. Ben Gilmore

Rep. Jack Ladyman, Chair  
Rep. Deborah Ferguson, Vice-Chair  
Rep. Jeff Wardlaw  
Rep. Jon S. Eubanks  
Rep. Stephen Magie  
Rep. Jim Dotson  
Rep. Josh Miller  
Rep. John Payton  
Rep. Mary Bentley  
Rep. Michelle Gray

Rep. Justin Gonzales  
Rep. Justin Boyd  
Rep. Fred Allen  
Rep. Bruce Coleman  
Rep. Aaron Pilkington  
Rep. Carlton Wing  
Rep. Clint Penzo  
Rep. Mark Perry  
Rep. Marsh Davis  
Rep. Joe Cloud

---

- A. Call to Order
- B. Comments by the Chairs
- C. Consideration to Adopt the November 1, 2021, Meeting Minutes **[Exhibit C]**
- D. Report of the Maternal and Perinatal Outcomes Quality Review Committee and the Maternal Mortality Review Committee as authorized by Act 1032 and Act 829 of 2019. **[Exhibits D1-D2]**
- William Greenfield, MD, Medical Director for Family Health, ADH
- E. Update on Pending Unemployment Insurance Claims Pending Action by the Division of Workforce Services of the Department of Commerce.
- Jim Hudson, Deputy Director of Operations, Arkansas Economic Development Commission and Director of Strategy & Operations, Arkansas Department of Commerce
- ~~F. Response from the Attorney General to a Request for an Opinion on the constitutionality of President Biden's Executive Order 14043 requiring Covid-19 vaccination for federal employees. This matter was referred to the House and Senate Public Health, Welfare and Labor Committees by the Joint Budget Committee.~~
- G. Department of Public Safety (DPS), Division on Law Enforcement Standards and Training, Review of Rule pertaining to Commission on Law Enforcement Training (CLEST) changes passed in Act 218 and Act 792 of 2021 and proposed format changes established in Act 662 of 2019. **[Exhibit G]**
1. Amanda Yarbrough, JD, Attorney, Division of Law Enforcement Standards and Training, Department of Public Safety (DPS)
  2. Brad King, Deputy Director, Division of Law Enforcement Standards and Training, DPS
  3. Jami Cook, Director, Division of Law Enforcement Standards and Training, DPS
- H. Arkansas Department of Health (ADH), Division of Environmental Health Services, Review of rules pertaining to Drip Dispersal Sewage Disposal Systems. **[Exhibit H]**
1. Laura Shue, JD, General Counsel, ADH
  2. Terry Paul, Environmental Health Branch Chief, ADH

**Note: All exhibits for this meeting are available by electronic means and are accessible on the General Assembly's website at [www.arkleg.state.ar.us](http://www.arkleg.state.ar.us)**

**Notice: Silence your cell phones. Keep your personal conversations to a minimum. Observe restrictions designating areas as 'Members and Staff Only'.**

- I. Review of the Arkansas Tobacco Settlement Commission (ATSC) Quarterly Report, January-March 2021 **[Exhibit I]**
  - Matt Gilmore, Boards and Commissions Coordinator, ADH
  
- J. Department of Human Services (DHS), Division of Medical Services (DMS), Review of Rule removing procedure codes in DMS/Medicaid provider manual and replacing with a link to a table with procedure codes. **[Exhibit J]**
  1. Mark White, JD, Deputy Director and Chief of Staff, Legal, and Legislative Affairs, DHS
  2. Elizabeth Pitman, Director, Division of Medical Services, DHS
  
- K. Department of Human Services (DHS), Division of Medical Services (DMS), Review of Rule implementing Act 758 of 2021, which allows 6 prescription refills per month for adult Medicaid clients. DMS is revising Section II of the Pharmacy Provider Manual as well as updating Medicaid State Plan to reflect the changes made by Act 758 of 2021. **[Exhibit K]**
  1. Mark White, JD, Deputy Director and Chief of Staff, Legal, and Legislative Affairs, DHS
  2. Elizabeth Pitman, Director, Division of Medical Services, DHS
  
- L. Department of Human Services (DHS), Division of County Operations (DCO), Review of Rule which updates Medical Services Policy with the enactment of Act 530 of 2021. This Act implements Arkansas Health & Opportunity for Me (ARHOME) and the implementation of the new integrated system. **[Exhibit L]**
  1. Mark White, JD, Deputy Director and Chief of Staff, Legal, and Legislative Affairs, DHS
  2. Mary Franklin, Director, Division of County Operations, DHS
  
- M. Department of Human Services (DHS), Division of Medical Services (DMS), Review of Rule which implements Act 643 of 2021. This Act requires that Continuous Glucose Monitors (CGM) and related supplies be covered by Arkansas Medicaid. **[Exhibit M]**
  1. Mark White, JD, Deputy Director and Chief of Staff, Legal, and Legislative Affairs, DHS
  2. Elizabeth Pitman, Director, Division of Medical Services, DHS
  
- N. Department of Human Services (DHS), Division of Medical Services (DMS), Review of Rule which implements Act 764 of 2021. This Act allows 4 additional types of professionally licensed clinicians to provide core services in Federally Qualified Health Centers (FQHCs). DHS must submit a Medicaid State Plan amendment 2021-0011 to CMS. **[Exhibit N]**
  1. Mark White, JD, Deputy Director and Chief of Staff, Legal, and Legislative Affairs, DHS
  2. Elizabeth Pitman, Director, Division of Medical Services, DHS
  
- O. Department of Human Services (DHS), Division of Medical Services (DMS), Review of Rule which implements Act 767 and Act 829 of 2021 to allow the originating site to include the home of the client and to allow provider reimbursement for telemedicine provided via telephone. **[Exhibit O]**
  1. Mark White, JD, Deputy Director and Chief of Staff, Legal, and Legislative Affairs, DHS
  2. Elizabeth Pitman, Director, Division of Medical Services, DHS
  
- P. Department of Human Services (DHS), Division of Developmental Disabilities Services (DDDS), Review of Rule which implements Act 767 and 820 of 2021. This amendment to the Occupational Therapy, Physical Therapy, and Speech-Language Pathology Medicaid manual clarifies and removes duplication from the current version of the manual and includes the requirements and parameters surrounding delivery of Occupational Therapy, Physical Therapy, and Speech-Language Pathology services through telemedicine. **[Exhibit P]**
  1. Mark White, JD, Deputy Director and Chief of Staff, Legal, and Legislative Affairs, DHS
  2. Melissa Stone, Director, Division of Developmental Disabilities Services, DHS
  
- Q. Department of Human Services (DHS), Division of Provider Services and Quality Assurance (DPSQA), Review of Rule implements Act 715 of 2021. This Act changes staffing standards and reporting requirements for nursing facilities including covering minimum direct-care staffing requirements. **This Rule was previously approved as an Emergency Rule by the ALC Executive Subcommittee. [Exhibit Q]**
  1. Mark White, JD, Deputy Director and Chief of Staff, Legal, and Legislative Affairs, DHS
  2. Martina Smith, Director, Division of Provider Services and Quality Assurance, DHS

- R. Department of Human Services (DHS), Division of Provider Services and Quality Assurance (DPSQA), Review of Rule as initially promulgated and set to terminate on December 31, 2021; however, the public health emergency is ongoing, therefore DPSQA amends the termination date to the termination of the federal public health emergency, including any extensions. **[Exhibit R]**
1. Mark White, JD, Deputy Director and Chief of Staff, Legal, and Legislative Affairs, DHS
  2. Martina Smith, Director, Division of Provider Services and Quality Assurance, DHS
- S. Department of Human Services (DHS), Division of Medical Services (DMS), Review of Rule which clarifies the Arkansas Medicaid Hospital Provider Manual to define the operation of Outpatient Acute Crisis Units (ACUs). This change is necessary to fill gaps and improve continuity of behavioral health services in Arkansas. A State Medicaid Plan Amendment is being submitted to CMS to reflect the leveling of the rate for Acute Crisis Units for both Hospital Outpatient Services and Outpatient Behavioral Health Services settings as of 7-1-2021. **[Exhibit S]**
1. Mark White, JD, Deputy Director and Chief of Staff, Legal, and Legislative Affairs, DHS
  2. Elizabeth Pitman, Director, Division of Medical Services, DHS
- T. Department of Human Services (DHS), Division of Medical Services (DMS), Review of Rule which was initially promulgated and set to terminate on December 31, 2021; however, the public health emergency is ongoing, therefore DMS amends the termination date to the termination of the federal public health emergency, including any extensions. **[Exhibit T]**
1. Mark White, JD, Deputy Director and Chief of Staff, Legal, and Legislative Affairs, DHS
  2. Elizabeth Pitman, Director, Division of Medical Services, DHS
- U. Department of Human Services (DHS), Division of Developmental Disabilities Services (DDDS), Review of Rule which was initially promulgated to sunset on December 31, 2021; however, the public health emergency is ongoing, therefore the DDDS amends the termination date to extend the sunset date to the end of the federal public health emergency, including any extensions. **[Exhibit U]**
1. Mark White, JD, Deputy Director and Chief of Staff, Legal, and Legislative Affairs, DHS
  2. Melissa Stone, Director, Division of Developmental Disabilities Services, DHS
- V. Department of Human Services (DHS), Division of Aging, Adult, & Behavioral Health Services (DAABHS), Review of Rule which was initially promulgated to sunset on December 31, 2021; however, the public health emergency is ongoing, therefore the DAABHS amends the termination date to extend the sunset date to the end of the federal public health emergency, including any extensions. **[Exhibit V]**
1. Mark White, JD, Deputy Director and Chief of Staff, Legal, and Legislative Affairs, DHS
  2. Jay Hill, Director, Division of Aging, Adult and Behavioral Services, DHS
  3. Patricia Gunn, Deputy Director, Division of Aging, Adult, and Behavioral Services, DHS
- W. Department of Human Services (DHS), Division of Provider Services and Quality Assurance (DPSQA), Review of Rule which implements the Rules for Long Term Care Facility Nursing Assistant Training Program to incorporate Acts 135 and 746 of 2021. **[Exhibit W]**
1. Mark White, JD, Deputy Director and Chief of Staff, Legal, and Legislative Affairs, DHS
  2. Martina Smith, Director, Division of Provider Services and Quality Assurance, DHS
- ~~X. Department of Human Services (DHS), Division of Medical Services (DMS), Review of Rule which submitted a new Section 1115 Demonstration Waiver which will replace the current ARWorks program. The ARHOME aid category covers individuals ages 19-64 who earn up to 138% of the poverty level. Beneficiaries with household income above 20% of the federal poverty level will be responsible for cost sharing for listed services in calendar year 2022. Beneficiaries at or below 20% FPL, individuals who are medically frail, and individuals identified as American Indian or Alaskan Native are not subject to cost sharing. Beneficiaries with household incomes above 100% of federal poverty level (FPL) who are enrolled in a qualified health plan will be subject to a monthly premium. **[Exhibit X]**~~
- ~~1. Mark White, JD, Deputy Director and Chief of Staff, Legal, and Legislative Affairs, DHS~~
  - ~~2. Elizabeth Pitman, Director, Division of Medical Services, DHS~~
- Y. Other Business
- Z. Adjournment