

MINUTES

HOUSE & SENATE INTERIM COMMITTEES ON PUBLIC HEALTH, WELFARE AND LABOR

May 29, 2015

The House and Senate Interim Committees on Public Health, Welfare and Labor met Friday, May 29, 2015 at 9:00 a.m. in Room 171 of the State Capitol Building.

Public Health Senate Members Attending Were: Senators Cecile Bledsoe, Chair; Stephanie Flowers, Vice Chair; Scott Flippo, and Missy Irvin.

Public Health House Members Attending Were: Representatives Kelley Linck, Chair; Deborah Ferguson, Vice Chair; Mary Bentley, David Branscum, Charlene Fite, Kim Hammer, Ken Henderson, Stephen Magie, David Meeks, Betty Overbey, John Payton, Dan Sullivan, Jeff Wardlaw, and Richard Womack.

Other Legislators Attending Were: Senator Jon Woods. Representatives John Baine, David Fielding, Mickey Gates, Joe Jett, and Greg Leding.

Comments by the Chairs

Representative Kelley Linck called the meeting to order,

Discussion of Medicaid Eligibility System & Verification (EXHIBIT B)

John Selig, Director, Arkansas Department of Human Services (DHS), gave a brief presentation on the Medicaid Eligibility & Verification System.

DHS has two main data systems, the Medicaid Management Information System (MMIS) and the Eligibility & Enrollment System (EES). However, because these two systems are no longer able to supply federally compliant information, they are currently being replaced with the MAGI (Modified Adjusted Gross Income) System. Due to the federal government constantly changing requirements for the new healthcare system, the result is more expense and extreme disorder and confusion (estimated cost is around \$250 million), however the federal government volunteered to fund 90% of the updating and replacement cost. The MAGI System will allow Arkansas Medicaid to continue to operate, while staying within the constantly changing federal guidelines. Mr. Selig said that eligibility redetermination is now much easier, and the whole system operates smoother as a whole.

Committee member requests:

- ◆ A list of all current and previous contractors with contract details (including the original amount, and the total amount paid) who DHS has contracted with
- ◆ A list of the issues that created a hardship on the Arkansas Medicaid System when DHS began to update the system.
- ◆ A list of the members of the DHS Governance Committee who were responsible for overseeing the problems with the contractor.

Isaac Linam, Attorney, Bureau of Legislative Research, explained the Public Health Committee's role, in relation to reviewing rules before they go to the Rules & Regulations Committee.

Consideration to Approve the December 18, 2014 Meeting Minutes (EXHIBIT C)

Representative Linck stated that without objection, the minutes will stand as approved.

Arkansas Department of Health, Center for Health Protection, Review of Rules & Regulations for Control of Sources of Ionizing Radiation. Arkansas Use of Radioactive Material Must be Compatible with the Nuclear Regulatory Commission (NRC) (EXHIBIT D)

Robert Brech, Chief Financial Officer, Arkansas Department of Health, presented the proposed changes which will bring the Arkansas radioactive material regulations into continued compliance with the federal U.S. Nuclear Regulatory Commission (NRC).

Representative Linck stated that without objection this rule change will stand as reviewed.

Arkansas Department of Health, Center for Health Protection, Review of Rules & Regulations Pertaining to the List of Controlled Substances. This is an Emergency Rule that Went into Effect November 13, 2014. (EXHIBIT E)

Robert Brech, Chief Financial Officer, Arkansas Department Health, presented the November 13, 2014 emergency rule, which added two substances to the Controlled Substances List. Butylone was added to Schedule one and MAB-CHMINACA (a synthetic cannabinoid) was added to Schedule six.

Representative Linck stated that without objection this rule change will stand as reviewed.

Arkansas Department of Human Services, Division of Medical Services, Review of Proposed Rule Regarding Access to Non-Emergency Medical Transportation (EXHIBIT F)

Suzanne Bierman, Assistant Director, Division of Medical Services, Arkansas Department of Human Services, presented the proposed rule change to establish service limits for non-emergency medical transportation.

Representative David Meeks asked Ms. Bierman to provide the committee with an updated financial impact showing the new rates. Mr. Linck said this information will be good to have before this proposed rule is presented to Rules & Regs for approval.

Representative Linck stated that without objection this rule change will stand as reviewed.

Arkansas Department of Human Services, Division of Medical Services, Review of Proposed Rule Regarding the Division of Aging & Adult Services (DAAS) Enrollment for Independent Choices #3-14—Removal of DAAS-IC-20 Form (EXHIBIT G)

and

Arkansas Department of Human Services, Division of Medical Services, Review of Proposed Rule Regarding Alternatives for Adults with Physical Disabilities (AAPD) Waiver 4-14—Regarding Provider Attendant Care Services Benefit Limit (EXHIBIT H)

Suzanne Bierman, Assistant Director, Division of Medical Services, Arkansas Department of Human Services, presented the proposed changes for Exhibit G and Exhibit H.

EXHIBIT G: The Division of Medical Services proposes to remove reference to the DAAS-IC-20 form in the Independent Choices Provider Manual.

EXHIBIT H: This proposed rule change will establish the number of hours an attendant care service provider is allowed to work in a given week, and it will bring the Arkansas Alternatives for Adults with Physical Disabilities (AAPD) Waiver Provider Manual into compliance with federal regulations.

There is considerable controversy surrounding the proposed change in Item 'H'. Craig Cloud, Director, Division of Aging & Adult Services (DAAS), Department of Human Services, said this change will cause hardship on many families and on the state of Arkansas. Therefore, DAAS is currently trying to switch AAPD Program services from the C to the J Authority. This will allow these clients to continue using the Companionship Exemption, and Arkansas will be within federal compliance. The Centers for Medicare and Medicaid Services (CMS) is working with Arkansas to help resolve this issue.

Representative Linck asked Mr. Cloud how long until the switch from the C Authority to the J Authority is completed. Mr. Cloud stated the proposed switch to the J Authority should be ready for presentation to the Public Health Committee, Rules & Regs, and the ALC sometime in the fall of 2015.

Representative Linck stated that without objection this rule change will stand as reviewed.

Arkansas Department of Human Services, Division of Behavioral Health Services, Review of Proposed Rule Regarding Rehabilitative Services for Persons with Mental Illness (RSPMI) Moratorium Amendment 4 (EXHIBIT I)

and

Arkansas Department of Human Services, Division of Behavioral Health Services, Review of Proposed Rule Regarding Rehabilitative Services for Persons with Mental Illness (RSPMI) Moratorium Amendment 5 (EXHIBIT J)

Julie Meyer, Director, Policy & Research, Division of Behavioral Health Services, Arkansas Department of Human Services, presented the updates on Moratorium Amendment 4 and 5. The proposed change to the moratorium on Amendment 4 is extended until June 30, 2015, and the moratorium on Amendment 5 is extended until December 31, 2015.

Representative Linck stated that without objection these rule changes will stand as reviewed.

ADOPTION of the Following Interim Study Proposal (ISP) For Study. ISP2015-138 – “Requesting the Senate Committee on Public Health, Welfare, and Labor to Study Ways to Improve Neonatal Intensive Care Services in Arkansas.”(EXHIBIT K)

Senator Scott Flippo, sponsor of the ISP, along with Robert Brech, presented ISP2015-138 for study during the 2015-2016 interim.

Representative Linck and Senator Bledsoe referred this ISP to the Senate & House Health Services Subcommittee.

The meeting adjourned at 11:00 a.m.