

## MINUTES

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

September 8, 2015

The House and Senate Interim Committees on Public Health, Welfare and Labor met Tuesday, September 8, 2015 at 10:00 a.m. in Committee Room A of the Big MAC Building, Little Rock, Arkansas.

**Public Health Senate Members Attending Were:** Senators Cecile Bledsoe, Chair; Stephanie Flowers, Vice Chair; John Cooper, Scott Flippo, Missy Irvin, David Sanders, and Gary Stubblefield.

**Public Health House Members Attending Were:** Representatives Kelley Linck, Chair; Deborah Ferguson, Vice Chair; Mary Bentley, Ken Bragg, David Branscum, Charlene Fite, Kim Hammer, Ken Henderson, Robin Lundstrum, Stephen Magie, David Meeks, Josh Miller, Betty Overbey, John Payton, Chris Richey, and Richard Womack.

**Other Legislators Attending Were:** Senators Linda Chesterfield, Alan Clark, Jonathan Dismang, Joyce Elliott, Jane English, Bart Hester, Jimmy Hickey, Bill Sample, and Eddie Joe Williams. Representatives Scott Baltz, Charles Blake, Mary Broadaway, Andy Davis, Gary Deffenbaugh, Jim Dotson, Charlotte Vining Douglas, Dan Douglas, Trevor Drown, Kenneth Ferguson, Vivian Flowers, Jeremy Gillam, Justin Gonzales, Michael John Gray, Greg Leding, Reginald Murdock, Micah Neal, James Ratliff, Sue Scott, James Sorvillo, Brent Talley, John Walker, and Marshall Wright.

#### **Comments by the Chairs**

Senator Cecile Bledsoe called the meeting to order.

#### **Consideration to Approve the August 10, 2015 Meeting Minutes (EXHIBIT C)**

Senator Bledsoe stated that without objection the minutes from the August 10, 2015 meeting are approved.

#### **Consideration of a Motion to Authorize Chairs to Approve Special Expenses Incurred by the Committee**

Senator Bledsoe called for a motion to authorize the chairs of the Public Health Committees to approve special expenses for the operation of the committees. The motion was made, seconded, and was approved without objection.

#### **Introduction by Senate Chair Bledsoe**

Senator Bledsoe stated that the next Public Health meeting will be at UAMS, September 24, 2015 at 9:00 a.m., and Cherry Duckett, Vice Chancellor, Institutional Relations, UAMS, and Maurice Rigsby, Government Relations Liaison, UAMS; outlined the agenda for that meeting.

#### **Department of Human Services, Division of Medical Services, Review of Implementation of International Classification of Diseases, 10<sup>th</sup> Revision (EXHIBIT F)**

Tami Harlan, Chief Operating Officer, Division of Medical Services, Department of Human Services, presented the Notice of Rulemaking 001-15, International Classification of Diseases 10<sup>th</sup> Revision (ICD-10). This change is necessary for Arkansas to remain compliant with Federal Regulation #45 CFR, Part 162, and it will be implemented nationwide October 1, 2015. The ICD-10 data sets are standardized and used internationally for claims processing.

Senator Bledsoe confirmed that Arkansas has no control over the acceptance or non-acceptance of the ICD-10 system. Ms. Harlan stated:

- ◆ The federal government thinks this change will improve patient care
- ◆ The federal government is not bearing any cost of the transition from the ICD-9 data system to the ICD-10 data system
- ◆ There is a grace period for Medicare, but Medicaid has not been granted a grace period.

Representative Deborah Ferguson said this change is driven by researchers and research hospitals.

Senator Bledsoe stated that without objection the Notice of Rulemaking 001-15, International Classification of Diseases, 10<sup>th</sup> Revision (ISD-10) will stand as reviewed.

**Arkansas Department of Environmental Quality (ADEQ), Water Division, Review of Arkansas Pollution Control & Ecology Commission Regulation No. 2, Establishing Water Quality Standards for Surface Waters of Arkansas. This is a Third-Party Rulemaking by Domtar Which Owns & Operates a Paper Mill in Ashdown, Arkansas, Which Discharges Treated Wastewater into the Red River. (EXHIBIT G)**

and

**Arkansas Department of Environmental Quality (ADEQ), Water Division, Review of Arkansas Pollution Control & Ecology Commission Regulation No. 2, Establishing Water Quality Standards for Surface Waters of Arkansas. This is a Third-Party Rulemaking by Southwestern Electric Power Company Which Owns & Operates the John W. Tuck, Jr. Power Plant Which Discharges Treated Wastewater into the Little River Which Flows Approximately 2 Miles to the Red River. (EXHIBIT H)**

Tammera Harrelson, Chief Deputy Director, Arkansas Department of Environmental Quality, Ellen Carpenter, Manager, Water Division, ADEQ, and Allan Gates, Attorney with Mitchell Williams, Selig, Gates & Woodyard, P.L.L.C; presented the proposed Third-Party Rulemaking changes to Regulation No. 2 of the Arkansas Pollution Control & Ecology Commission (Items G & H) that will affect the following properties:

- ◆ Domtar, owner/operator of a paper mill in Ashdown, Arkansas, that discharges treated wastewater into the Red River
- ◆ Southwestern Electric Power Company (SWEPCO), owner/operator of John W. Tuck, Jr. Power Plant, that discharges treated wastewater into the Little River and flows approximately 2 miles to the Red River.

Ms. Harrelson introduced Mr. Gates to explain the reason for these proposed rule changes, and stated that ADEQ is not against these changes. These changes are made so that Arkansas flow standards will be consistent with flow of the total dissolved solids (TDS) of the river from Texas and Oklahoma to Arkansas and back through.

Senator Bledsoe stated that without objection, Items G & H will stand as reviewed.

**Review of the Arkansas Tobacco Settlement Commission's (ATSC) Quarterly Reports for July 2014-September 2014, October 2014-December 2014, and January 2015-March 2015. Also Included is the Arkansas Tobacco Settlement Commission's Complete Annual Evaluation Report for SFY 2014-2015 (Act 728 of 2015).**

Misty Murphey, Executive Director, Arkansas Tobacco Settlement Commission (*Handout #1*), presented the ATSC's annual report for SFY 2014-2015. The purpose of this report is to detail the progress of each program toward the achievement of their overall goals and to present activities and programs implemented through the use of tobacco settlement funds. In November, 2014, the ATSC changed evaluators from The RAND Health Corporation to the University of Central Arkansas at Conway, and this is the first report from the new evaluator.

Senator Bledsoe stated that without objection this report will stand as reviewed.

**Discussion of Arkansas Regional Organ Recovery Agency (ARORA) Activities and Efforts at Saving Lives**  
Audrey Coleman, M.P.A., Director of Public Education, ARORA, The Honorable Jim Guy Tucker, Former Governor, Board Member, ARORA, Stacy Robinson, Workplace Partnership Specialist, ARORA, and Bill Fiser, M.D., Medical Director, ARORA, were the presenters for ARORA. (*Handout #2*)

Ms. Coleman stated ARORA's mission is to recover life-saving organs & tissue for transplants, and to inform the public of opportunities for and access to donor registration. Former Governor Jim Guy Tucker gave a brief synopsis of his experience as a liver transplant recipient. Next, Ms Robinson explained that the purpose of ARORA's Workplace Partnership Program is to raise awareness of and encourage employees to register for the donor program.

**ADOPTION & DISCUSSION: ISP2015-148** – “Establishment of Hospice Drug Disposal Procedure”  
(EXHIBIT K) and (*Handout #3*)

ISP2015-148 was presented for adoption and discussion by the sponsor, Representative Kim Hammer. Senator Bledsoe stated that without objection, ISP2015-148 will be adopted for study. Representative Hammer introduced Kirk Lane, Chief of Police, Benton, Arkansas; Kevin Cleghorn, Saline County Coroner; and Ronnie Baldwin, Executive Director, Arkansas Sheriff’s Association as additional presenters of this Interim Study Proposal (ISP).

Representative Hammer summarized his experience of over 20 years in the hospice field, and explained the proposed Hospice Drug Disposal Procedure.

Chief Lane shared the success of the Drug Take-Back Program in Arkansas, and noted that Arkansas is in the top five nationwide of this program. Since 2010 Arkansas has collected 72 tons of prescription drugs—the equivalent of 200,000,000 pills.

Coroner Cleghorn discussed the responsibility of the coroner regarding the disposal procedure of all prescription drugs of a deceased hospice patient, when there is a death in the home.

Senator Bledsoe recognized Lisa Vaden, Executive Director, Hospice & Palliative Care Association, to share the association’s stand on ISP2015-148, that they believe this legislation is unnecessary. The Palliative Care Association feels it is already regulated by the federal government, and the Centers for Medicare & Medicaid Services (CMS). Kaye Kirk, Registered Nurse (RN) with Arkansas Hospice appeared with Ms. Vaden.

Senator Bledsoe stated that without objection, ISP2015-148 will be referred to the Health Services Subcommittee for study during this interim.

Senator Bledsoe reminded committee members that the next Public Health meeting will be at UAMS, and everyone will meet at the West door of the Capitol at 8:30 a.m.

The meeting adjourned at 12:14 p.m.