

MINUTES

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

October 6, 2015

The House and Senate Interim Committees on Public Health, Welfare and Labor met Tuesday, October 6, 2015 at 10:00 a.m. in Room 151 of the State Capitol, Little Rock, Arkansas.

Public Health Senate Members Attending Were: Senators Cecile Bledsoe, Chair; John Cooper, Scott Flippo, and Gary Stubblefield.

Public Health House Members Attending Were: Representatives Kelley Linck, Chair; Mary Bentley, Ken Bragg, Charlene Fite, Kim Hammer, Ken Henderson, Robin Lundstrum, and Betty Overbey.

Other Legislator Attending Was: Representative Justin Gonzales.

Comments by the Chairs

Senator Cecile Bledsoe called the meeting to order, and stated that the presenters for Items C, D, and E have graciously agreed, due to a scheduling conflict, to let the presenters for Item 'F' present first.

Arkansas Department of Health, Office of Administration, Review of the Rules & Regulations Governing the Advisory Board for Interpreters Between Hearing Individuals & Individuals Who are Deaf, Deaf-blind, Hard of Hearing, & Oral Deaf; and Rules for Licensure of Qualified & Provisional Interpreters (EXHIBIT F)
Robert Brech, Chief Financial Officer, Arkansas Department of Health, and Ray James, Chair, Advisory Board for Interpreters; presented these rule revisions. Mr. James stated that most of the changes to these rules are editorial. However, Section 11 (credentialing) and Section 13 (the complaint process) have new specifics. These changes are consumer driven.

Senator Bledsoe stated that without objection these proposed rule changes will stand as reviewed.

Arkansas Department of Health, Center for Health Protection, Review of the Rules & Regulations Pertaining to the List of Controlled Substances (EXHIBIT C)

Robert Brech, Chief Financial Officer, Arkansas Department of Health, stated the following four drugs have been added to the List of Controlled Substances:

- ◆ **Added to Schedule I:**
 - Mitragynine
 - 7-Hydroxymitragynine
 - Alpha-pyrrolidinopentiophenone (alpha-PVP)
- ◆ **Added to Schedule IV:**
 - Suvorexant

Senator Bledsoe stated that without objection these proposed rule changes will stand as reviewed.

Arkansas Department of Health, Center for Health Protection, Immunization & Communicable Disease Section, Review of the Rules & Regulations for Immunization Requirements for Nursing Home Residents and Employees. (EXHIBIT D)

Robert Brech, Chief Financial Officer, Arkansas Department of Health, presented this proposed rule change. These proposed changes will revise the rules and regulations on immunization reporting on nursing home residents and employees, according to Arkansas Code Ann §§ 20-15-1301-1305. Other changes include formatting and staying in compliance with federal regulations.

Senator Bledsoe stated that without objection these proposed rule changes will stand as reviewed.

Arkansas Department of Health, Center for Health Protection, Immunization & Communicable Disease Section, Review of the Rules & Regulations Pertaining to the Immunization Registry (EXHIBIT E)

Robert Brech, Chief Financial Officer, Arkansas Department of Health, presented this proposed rule change. This rule change (Act 541 of 2015) removed the adult consent requirement, before immunization providers report an adult immunization to the statewide immunization information system (IIS).

This change brings the IIS rules into alignment with the state's Health Information Exchange's (SHARE) consent requirements and eliminates the administrative burden on immunization providers, to gain and document consent prior to reporting.

Senator Bledsoe stated that without objection these proposed rule changes will stand as reviewed.

Arkansas Department of Health, Health Systems Licensing & Regulation, Review of the Rules & Regulations of the Arkansas State Board of Massage Therapy to Establish Minimum Standards for Post-Secondary Education in Massage Therapy Schools (EXHIBIT G)

Robert Brech, Chief Financial Officer, Arkansas Department of Health, presented this proposed rule change. With the passage of Act 1020 of 2015, the State Board of Massage Therapy is now required to approve a curriculum for post-secondary massage therapy schools. To ensure that massage therapy students are eligible for federal aid, these schools are now required to:

- ◆ Enroll only students with a high school diploma (or equivalent)
- ◆ Provide 600 hours of approved curriculum
- ◆ Adopt a complaint process equal to the one provided for in the current Board of Massage Therapy Rules

Senator Bledsoe stated that without objection these proposed rule changes will stand as reviewed.

Arkansas Department of Health, Center for Health Protection, Licensing & Regulation Branch, Health Facility Services Section, Review of the Rules & Regulations for Orthotic, Prosthetic, and Pedorthic Providers Licensing Standards. (EXHIBIT H)

Senator Bledsoe stated that Item 'H' will not be presented today.

Arkansas Department of Human Services, Division of Behavioral Health, Review of the Rules & Regulations Regarding Certification Manual for Rehabilitative Services for Persons with Mental Illness (RSPMI) Update 2015-1 (EXHIBIT I)

Julie Meyer, Director of Policy, Division of Behavioral Health Services (DBHS), Department of Human Services, presented this proposed rule change. Effective September 1, 2015, DBHS proposes to amend the Certification Manual on the outcomes reporting requirements for Persons with Mental Illness (RSPMI). This update is necessary in order to remove the requirement of RSPMI facilities to demonstrate use of the Youth Outcomes Questionnaire (YOQ) for certification purposes. This is pursuant to Act 161 of 2015.

Senator Bledsoe and Representative Linck are asking DHS and Ms. Meyer to present an update on the success of this new measurement tool before this committee in the next 120 days. Ms. Meyer agreed. Phil Price, Senior Legislative Analyst will notify Ms. Meyer of the scheduled meeting date.

Department of Human Services, Division of Medical Services, Review of the Rules & Regulations Increasing the RN & LPN Hourly Reimbursement Rate for Private Duty Nursing Services Included in State Plan Amendment 2015-005. (EXHIBIT J)

Tami Harlan, Chief Operating Officer, Division of Medical Services, Department of Human Services, presented this proposed rule change. Arkansas Medicaid will increase the maximum reimbursement rates for Private Duty Nursing (PDN). These new maximum reimbursement rates are based on market analysis and are necessary to ensure access to Private Duty Nursing services for Arkansas Medicaid beneficiaries.

Senator Bledsoe stated that without objection these proposed rule changes will stand as reviewed.

Department of Human Services, Division of Medical Services, Review of the Rules & Regulations Regarding Rehabilitative Services for Persons with Mental Illness (RSPMI) #3-15—Youth Outcome Questionnaire Language is Being Removed from the Medicaid RSPMI Provider Manual (EXHIBIT K)

Tami Harlan, Chief Operating Officer, Division of Medical Services, Department of Human Services, presented this proposed rule change. Due to recent legislation authorizing the selection of a new outcomes measurement tool to support an improved system of tracking, accountability, and decision making; ‘*Youth Outcome Questionnaire*’ language is removed from the Medicaid RSPMI Provider Manual (Act 161 of 2015). The proposed effective date is November 1, 2015.

Senator Bledsoe stated that without objection these proposed rule changes will stand as reviewed.

Department of Human Services, Division of Medical Services, Review of the Rules & Regulations Regarding Removal of the Annual Private Hospital Inpatient Adjustment Upper Payment Level (UPL) from the State Plan & Increase the Inpatient Hospital Access Payments: Hospital 5-15 & State Plan Amendment 2014-009 (EXHIBIT L)

Tami Harlan, Chief Operating Officer, Division of Medical Services, Department of Human Services, stated that effective November 1, 2015, Arkansas will remove the annual Private Hospital Inpatient Adjustments UPL from the state plan and increase the inpatient hospital access payments.

Senator Bledsoe stated that without objection these proposed rule changes will stand as reviewed.

ADOPTION FOR STUDY & BRIEF DISCUSSION: ISP2015-007 – “An Act to Create the Arkansas Safe and Effective Prescribing Practices Act; to Create The Task Force for Safe & Effective Prescribing Practices; and for Other Purposes.” Sponsor: Representative Justin Boyd (EXHIBIT M)

Representative Michelle Gray presented this ISP for Representative Justin Boyd. Senator Bledsoe referred this ISP to the Health Services Subcommittee.

ADOPTION FOR STUDY & BRIEF DISCUSSION: ISP2015-127 – “An Act to Create the Arkansas Surgical Technologists Act; to Establish the Registration of Surgical Technologists; and for Other Purposes.” (EXHIBIT N)

Sponsor, Representative Charlotte Vining Douglas was unable to present ISP2015-127 today.

ADOPTION FOR STUDY & BRIEF DISCUSSION: ISP2015-049 – “An Act to Create a Contraception Incentive for Medicaid Beneficiaries; and For Other Purposes.” (EXHIBIT O)

Sponsor, Representative Kim Hammer presented this ISP. Senator Bledsoe referred this ISP to the Health Services Subcommittee.

Senator Bledsoe announced the next Public Health Committee meeting will be November 2, 2015 at 1:00 p.m. in Room 171 of the State Capitol.

The meeting adjourned at 10:45 a.m.