

MINUTES

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

December 19, 2016

The House and Senate Interim Committees on Public Health, Welfare and Labor met Monday, December 19, 2016, at 10:00 a.m. in Committee Room A, MAC Building, Little Rock, Arkansas.

Public Health Senate Members Attending: Senators Cecile Bledsoe, Chair, and Gary Stubblefield.

Public Health House Members Attending: Representatives Deborah Ferguson, Acting Chair; David Branscum, Jack Fortner, Kim Hammer, Ken Henderson, Josh Miller, Betty Overbey, John Payton, Dan Sullivan, and Jeff Wardlaw.

Member-Elect Attending: Representative Carlton Wing.

Other Legislators Attending: Senator Jonathan Dismang; Representatives Charles Armstrong, Bob Ballinger, Nate Bell, Karilyn Brown, LeAnne Burch, Jana Della Rosa, Jim Dotson, Trevor Drown, Jon Eubanks, Justin Gonzales, Grant Hodges, Douglas House, Julie Mayberry, Mark McElroy, and Dwight Tosh.

Comments by the Chairs

Senator Bledsoe announced that this is the last Public Health meeting of the 2015-2016 Interim.

Consideration to Adopt the November 28, 2016 Meeting Minutes (EXHIBIT C)

Without objection, the November 28, 2016, meeting minutes were adopted.

Update on the Status of the Mumps Outbreak in Arkansas (Handout #1)

Nate Smith, MD, MPH, Director, Department of Health and State Health Officer, presented an update on the mumps outbreak in Arkansas that began August 2016. Dr. Smith outlined what the health department is doing to combat this epidemic and to treat those infected with the mumps virus. The Centers for Disease Control (CDC) stated that over half of the nation's mumps outbreak this year is in Arkansas:

- ❖ Two-thirds of the cases have been among the Marshallese population
- ❖ Two-thirds of the cases were children
- ❖ One-third of the cases were adults
- ❖ As of December 16, 2016, Arkansas currently has 2,220 active cases

Before the mumps vaccine was developed, mumps could cause central nervous system (CNS) involvement, orchitis, pancreatitis, deafness, and death.

Mr. Brech gave a brief history of immunization in the United States from inception in 1905, to the present time when people requested exemptions, philosophical and/or medical, from vaccinations. Exemption requests have to be processed annually.

Representative Karilyn Brown asked Dr. Smith if unvaccinated children could be carriers of the mumps virus, and Dr. Smith said that it is possible. Dr. Smith stated that schools require more immunizations than they did 20 years ago, and the timing requirement for each immunization is critical to the effectiveness of the injection. As of Friday, December 16, 2016, 49 school-age children in Arkansas are still infected with the mumps.

Report from the Task Force on Alpha Gal (EXHIBIT E)

Representative Julie Mayberry, Task Force Chair, and Representative Dwight Tosh, gave a brief overview of Alpha Gal, the seriousness of this allergy, and the progress this task force has made in bringing the Alpha Gal Allergy nationwide attention. Representative Mayberry named off many renowned and highly respected medical personnel from all over the United States that the task force has contacted and who are interested in furthering this cause. Alpha Gal is hard to diagnose and it can only be detected through a specific blood test. Alpha Gal is most often spread from the bite of a Lone Star Tick. Both Representatives Mayberry and Tosh have this allergy.

Representative Mayberry is requesting for the Alpha Gal Task Force to continue into the next interim. The task force is trying to get legislation enacted that will require the alpha gal allergies to be included on food labels. Representative Mayberry met with the federal Food & Drug Administration (FDA) on November 7, 2016, presenting them with a draft petition, and she is currently re-working this petition to amend what was lacking in it.

As a result of the efforts of the task force, the Arkansas Beef Council has donated money for a grant to research how to eliminate the alpha-gal allergen from beef.

Arkansas Health Services Permit Agency, Review of Rule Regarding Health Services Regulation 100M Nursing Facility Bed Methodology (EXHIBIT F)

Tracy Steele, Director, Arkansas Health Services Permit Agency; Tracy Harris, Research Manager, Arkansas Health Services Permit Agency; Craig Cloud, Director, Division of Aging and Adult Services, Department of Human Services (DHS); and Jennifer Cooper, Program Manager, Arkansas Health Services Permit Agency; presented the review of this regulation.

Mr. Steele stated this proposed regulation is a result of a Memorandum of Understanding (MOU) between the Department of Human Services, Arkansas Healthcare Association, and the Governor's Office. The Health Services Permit Agency will have to make these proposed changes to the Health Services Regulation 100M in order to remain in compliance with the MOU. These changes will improve the healthcare of senior citizens and net Arkansas substantial savings of approximately \$3 million.

Mr. Cloud explained how these changes will benefit Arkansas residents (there has been statewide support for these changes without any negative public comments). Mr. Cloud will furnish Representative Hammer a list of the Medicaid bed rates per facility statewide.

Following committee discussion, Chair Bledsoe stated that without objection this rule will stand reviewed.

Department of Human Services, Division of Medical Services, Review of a Rule Hospice 1-16 Which Implements a Two-Tier Hospice Rate and Adds Procedure Codes (G0155, G0299) for Service Intensity Add-on Payment (EXHIBIT G)

Tami Harlan, Chief Operating Officer, Division of Medical Services, Department of Human Services, presented this review. This revision will bring Arkansas Medicaid into compliance with federal requirements on Hospice.

Following committee discussion, Chair Bledsoe stated that without objection this rule will stand reviewed.

Department of Human Services, Division of Medical Services, Review of Rule Regarding State Plan Amendment #2016-003 Which Deals with Pharmacy Pricing Methodology (EXHIBIT H)

Tami Harlan, Chief Operating Officer, Division of Medical Services, Department of Human Services, presented this review. This revision will bring Arkansas into compliance with federal requirements on pharmacy pricing methodology. A savings is anticipated as a result of this change.

John Vincent, Vice President, Arkansas Pharmacists Association, stated this is a Centers for Medicare and Medicaid Services (CMS) federally directed cost recovery model, and the Association is in favor of this change.

Following committee discussion, Chair Bledsoe stated that without objection this rule will stand reviewed.

Department of Human Services, Division of Medical Services, Review of Rule Regarding Prosthetics 2-16 and Section V 7-16 Which Deals with Wheelchairs and Wheelchair Seating System (EXHIBIT I)

Tami Harlan, Chief Operating Officer, Division of Medical Services, Department of Human Services, presented this review. Effective May, 1, 2017, the Prosthetics Provider Manual will be updated for clarification purposes only on the prior authorization process for wheelchairs and wheelchair seating systems. There are no rate changes.

Following committee discussion, Chair Bledsoe stated that without objection this rule will stand reviewed.

Arkansas Department of Health, Center for Health Protection, Review of Rule Pertaining to the Prescription Drug Monitoring Program Amending Rules to Change from Weekly to Daily Reporting by Dispensers of Controlled Substances; Also Stating the Requirement that Veterinarians Only Report Monthly (EXHIBIT J)

Robert Brech, Chief Financial Officer, Arkansas Department of Health, presented this review.

This changes reporting by dispensers of controlled substances to the Prescription Drug Monitoring Program from weekly to daily. This will provide more timely information for users of the Prescription Drug Monitoring Program. Prescription Drug Monitoring Programs of 33 other states are currently using daily reporting. The financial impact will be \$54,000 annually that will be covered by a federal grant.

Following committee discussion, Chair Bledsoe stated that without objection this rule will stand reviewed.

The meeting adjourned at 12:00 noon.