

# EXHIBIT C

Minutes  
Senate Committee on Public Health, Welfare, and Labor  
House Committee on Public Health, Welfare, and Labor  
Meeting Jointly  
July 8, 2019

The House and Senate Interim Committees on Public Health, Welfare and Labor met Monday, July 8, 2019, at 1:00 p.m., in Committee Room A, MAC Building, Little Rock, Arkansas.

**Public Health Senate Members Attending:** Senators Missy Irvin, Chair; David Wallace, Vice-Chair; Ronald Caldwell, Scott Flippo, Kim Hammer, Bart Hester, Jimmy Hickey, Jr., and Bill Sample.

**Public Health House Members Attending:** Representatives Jack Ladyman, Chair; Deborah Ferguson, Vice-Chair; Mary Bentley, Justin Boyd, Karilyn Brown, Bruce Coleman, Kenneth Ferguson, Justin Gonzales, Michelle Gray, Lee Johnson, Fredrick Love, Stephen Magie, Austin Mc Collum, John Payton, Clint Penzo, Mark Perry, Chris Richey, and Jeff Wardlaw.

**Other Legislators Attending:** Senators Linda Chesterfield, Alan Clark, Breanne Davis, Trent Garner, Jim Hendren, and Larry Teague. Representatives Fred Allen, Sonia Eubanks Barker, Stan Berry, LeAnne Burch, Bruce Cozart, Gary Deffenbaugh, Jana Della Rosa, Dan Douglas, Jon S. Eubanks, David Fielding, Charlene Fite, Vivian Flowers, Lane Jean, Joe Jett, Reginald Murdock, Aaron Pilkington, Johnny Rye, Jamie Scott, Keith Slape, Brandt Smith, Dan Sullivan, Dwight Tosh, and Danny Watson.

#### Comments by the Chairs

Representative Jack Ladyman called the meeting to order.

#### Consideration to Adopt the June 3, 2019, Meeting Minutes (EXHIBIT C)

Representative Ladyman stated that without objection, the June 3, 2019, meeting minutes were adopted.

#### Outbreaks of Hepatitis A Occurring in Arkansas and Across the Country--Update from the Arkansas Department of Health (ADH) (Handouts #1, #2)

Nathaniel Smith, M.D., MPH, Secretary of Health and State Health Officer, ADH, and Dirk Haselow, M.D., MPH, State Epidemiologist & Deputy Chief Medical Officer, ADH; presented this update.

Hepatitis A is a vaccine-preventable liver disease. Symptoms of this disease are fever, nausea/vomiting, abdominal pain, and jaundice; however, some people never show the symptoms but they are still contagious. Most children with Hep A do not have any symptoms, but can still spread the virus. It is spread from person to person.

One dose of the Hep A vaccine is over 90% effective and if you get a second vaccination, you are 100% protected for the rest of your life. Since implementing childhood vaccinations, the number of new cases dramatically decreased, but around 2011 Hep A cases began to increase, with a huge increase in 2018. The 2018 outbreak has been concentrated in approximately 26 Northeast Arkansas counties; and were reported to be 66% men and 90% white. The largest risk factor in Arkansas is from drug use, but it is homelessness in other states. Nineteen food handlers have been infected, and historically, Hep A has been spread through food.

The Arkansas Department of Health (ADH) is vigorously promoting vaccination to all Arkansans, especially working with food establishment owners. The ADH has already given out over 30,000 vaccinations statewide since this outbreak.

Vaccinating food workers before they are diagnosed with Hepatitis A is imperative and more effective, than to wait until after they are diagnosed with the disease and have exposed a multitude of customers. So far the Arkansas Hep A outbreak has cost the state about \$3.97 million, and that is a conservative estimate.

**Arkansas Department of Health (ADH), Center for Local Public Health/Environmental Health Protection. This Rule Updates the Arkansas Code to the 2013 FDA Food Code Guidance, and Requires a Certified Manager to be Employed by the Establishment (EXHIBIT E and Handout #3)**

Laura Shue, General Counsel, ADH, and Terry Paul, Branch Chief, Environmental Health, ADH; presented this rule update.

This rule will require that restaurants hire a Certified Food Manager for all shifts that a restaurant is open. Having a Certified Food Manager on duty has proven to be effective for food safety, preventing illness, and honest presentation of food to the public.

The Arkansas Hospitality Association provided the map (*Handout #3*) that shows, *Manager Training & Certification Requirements*, nationwide. Montine McNulty, President, Arkansas Hospitality Association, stated that the association is in favor of this rule, and have been for the last 5-7 years.

Ryan Hamra, restaurant owner and member of the Arkansas Restaurant Association, is also in favor of this certification rule, as it protects food establishment owners and customers alike.

Senator Irvin will request staff to put all rules online and attached them to the respective agenda, so committee members will have access to them.

Representative Ladyman stated that without objection, this rule will stand as reviewed.

**Arkansas Department of Human Services (DHS), Office of Long-Term Care, Review of Rule which Allows the Long-Term Care Facility Nursing Assistant Training Program to Hire Classroom Instructors that May Not Meet the Minimum Requirement of at Least One Year of Long-Term Care Experience in the Last Five Years (EXHIBIT F)**

Craig Cloud, Director, Division of Provider Services and Quality Assurance, Department of Human Services (DHS), and Kelley Linck, Chief Liaison, Legislative and Governmental Affairs, DHS; presented this rule review. Mr. Linck stated that DHS has oversight of the Arkansas CNA curriculum.

Mr. Linck explained the conflict with this rule, and then presented the solution to end the conflict. There are two sections to this rule, 1) training curriculum for CNAs and 2) declaring which nurses may train the CNAs. DHS is removing the revisions to Section VI of the rules regarding Long-Term Care CNA training program from the promulgation packet, and is requesting the committee to review only the portion of the promulgation packet concerning the Long-Term Care Facility Nursing Assistant training Curriculum.

*Senator Irvin made a motion:*

That DHS remove the revisions to Section VI of the rules regarding the Long-Term Care CNA training program from the promulgation packet, and requests that the committee review only the portion of the promulgation packet concerning the Long-Term Care Facility Nursing Assistant training curriculum. At the Administrative Rules Subcommittee meeting DHS will request this subcommittee to review and approve only the portion of the promulgation packet concerning the long-term care facility nursing assistant training curriculum. In addition, after more collaboration with long-term care facility providers and Representative Mary Bentley, and going through another public comment period; DHS, at a later date, will come back with revisions to that section of the rule.

The motion carried.

**Arkansas Department of Education, Report of the Availability of Automated External Defibrillators as Required by A.C.A., 6-10-122 (EXHIBIT G)**

Cheria Lindsey, BSN, RN, NCSN, State School Nurse Consultant, Arkansas Department of Education, and Jerri Clark, Director, School Health Services, Arkansas Department of Education; presented this report of defibrillators.

For the 2018-2019 school year, Ms Lindsey stated that 1,054 school campuses reported information on Automated External Defibrillator (AED) availability and the contact person for each campus. Also, there are 13,772 trained faculty in the Arkansas public school system.

**Below are listed the Interim Study Proposals (ISPs) referred to the House and Senate Public Health, Welfare and Labor Committees to date. The sponsors have been asked to present a brief explanation of their ISP and why it should be adopted for study by the committees. Each ISP will be voted on separately.**

1. **ISP2019-062** – “To Authorize a Limited Program of an Optional System to Allow an Employer to Secure Coverage for Injury or Death of an Employee without Regard to Work-Relatedness; and to Declare an Emergency.” **(EXHIBIT H-1)**
  - a. Sponsor: Senator Jason Rapert
2. **ISP2019-081** – “To Combine the Cosmetology Technical Advisory Committee and the State Board of Barber Examiners.” **(EXHIBIT H-2)**
  - a. Sponsor: Senator John Cooper
3. **ISP2019-091** – “To Amend the Arkansas Athletic Trainers Act.” **(EXHIBIT H-3)**
  - a. Sponsor: Senator Trent Garner
4. **ISP2019-092** – “To Create the Fresh Start Act of 2019; and to Help Individuals with Criminal Records Reenter and Move to the Workforce and Stay Out of Prison; and to Declare an Emergency.” **(EXHIBIT H-4)**
  - a. Sponsor: Senator Trent Garner
5. **ISP2019-093** – “To Create the Child Maltreatment Investigation Body Camera Pilot Program.” **(EXHIBIT H-5)**
  - a. Sponsor: Senator Alan Clark
6. **ISP2019-094** – “To Modify the Time an Employer Has to Respond to an Application for Unemployment Benefits.” **(EXHIBIT H-6)**
  - a. Sponsor: Senator Kim Hammer
7. **ISP2019-001** – “To Require a Physician to Utilize Treatment Alternatives before Prescribing an Opioid.” **(EXHIBIT H-7)**
  - a. Sponsor: Representative Jim Dotson
8. **ISP2019-002** – “To Prohibit the University of Arkansas for Medical Sciences from Receiving Medicaid Cost-Settlement Reimbursement.” **(EXHIBIT H-8)**
  - a. Sponsor: Representative Dan Sullivan
9. **ISP2019-005** – “To Amend Laws Concerning Food Service Establishments and Cottage Food Production Operations.” **(EXHIBIT H-9)**
  - a. Sponsor: Representative Robin Lundstrum
10. **ISP2019-006** – “To Limit Access to a Chiropractic Physician by a Medicaid Recipient.” **(EXHIBIT H-10)**
  - a. Sponsor: Representative Jim Dotson
11. **ISP2019-022** – “To Modify Labeling of Prescription Drugs; and to Require Physicians to Provide Additional Counseling when Prescribing Medications.” **(EXHIBIT H-11)**
  - a. Sponsor: Representative David Fielding
12. **ISP2019-032** – “To Require Video Cameras in Certain Classrooms upon Request.” **(EXHIBIT H-12)**
  - a. Sponsor: Representative Jim Sorvillo
13. **ISP2019-033** – “Concerning the Offense of Cruelty to Animals.” **(EXHIBIT H-13)**
  - a. Sponsor: Representative Jim Sorvillo

14. **ISP2019-038** – “To Create the Egg Provider Protection Act.” (**EXHIBIT H-14**)
  - a. Sponsor: Representative Cindy Crawford
15. **ISP2019-043** – “To Establish the Arkansas Anesthesiologist Assistant Act; and to Provide for Licensure of Anesthesiologist assistants.” (**EXHIBIT H-15**)
  - a. Sponsor: Representative Stephen Magie
16. **ISP2019-044** – “To Authorize a Licensed Dispensing Optician to Refract Eyes and Dispense Eyeglasses in Certain Conditions.” (**EXHIBIT H-16**)
  - a. Sponsor: Representative Stephen Magie
17. **ISP2019-045** – “To Modify the Definition of “Ophthalmic Dispensing” to Include the Preparation and Dispensing of Contact lenses.” (**EXHIBIT H-17**)
  - a. Sponsor: Representative Stephen Magie
18. **ISP2019-046** – “To Establish Cancer Patient Navigation to Improve the Care of Cancer Patients in This State.” (**EXHIBIT H-18**)
  - a. Sponsor: Representative Kenneth Ferguson
19. **ISP2019-083** – “To Create the Medicaid Expansion Efficiency Act of 2019; and to Declare an Emergency.” (**EXHIBIT H-19**)
  - a. Sponsor: Representative Josh Miller
20. **ISP2019-130** – “An Act to Require Employees of Food Service Establishments to be Immunized or Vaccinated Against Hepatitis A for the Public Health, Safety, and Welfare of the State of Arkansas; and for Other Purposes.” (**EXHIBIT H-20**)
  - a. Sponsor: Representative Jack Ladyman

The following ISPs were adopted and referred to the Health Services Subcommittee for further study during the 2019-2020 Interim:

<u>Motion to Adopt/Second</u>		<u>Motion to Adopt/Second</u>	
2019-062	Sen. Rapert – Sen. Wallace	2019-038	Sen Irvin – Rep. Boyd
2019-091	Rep. Payton – Sen. Flippo	2019-043	Rep. Magie – Rep. D. Ferguson
2019-092	Sen. Hammer – Sen Flippo	2019-044	Rep. Magie – Sen. Irvin
2019-094	Sen. Hammer – Sen Irvin	2019-045	Rep. Magie – Rep. D. Ferguson
2019-005	Rep. Boyd – Sen. Irvin	2019-046	Rep. K. Ferguson – Sen Irvin
2019-022	Rep. Gray – Sen. Irvin	2019-130	Rep. Ladyman – Sen. Irvin

The following ISPs were passed over:

2019-081	2019-032
2019-093	2019-033
2019-001	2019-083
2019-006	

ISP2019-002 was withdrawn by the sponsor, Representative Dan Sullivan.

**Status of PASSE’s Reimbursements to Psychiatric Hospitals (such as Pinnacle Point, Rivendell, and Bridgeway)**  
Shane Frazier, CEO, Pinnacle Point Hospital, Nicole May, Interim Executive Director, Empower Healthcare Solutions, John P. Ryan, President and Chief Executive Officer, Arkansas Total Care, and Jason Miller, Plan President, Summit Community Care; presented the status of PASSE reimbursements.

Mr. Frazier also represents Universal Health Services (UHS) and hundreds of facilities in 30 states with Managed Medicaid Systems. At the close of June 30, 2019, there was more than \$4.3 million in Arkansas balances from the three PASSE organizations, and more than \$2 million 30 days past due.

Issues that have arose:

- ❖ Untimely Optum assessments
- ❖ Beneficiaries being dropped from the PASSE, without a known reason
  - Currently compiling a list of dropped beneficiaries to investigate into why they were dropped
- ❖ Traditional Medicaid beneficiaries possibly losing their coverage. Thus their Medicaid number may go inactive. When/if they are reenrolled, they may get a new number that does not link into the authorization that the Managed Medicaid System was given to provide the care services.

Ms. May, Mr. Ryan, and Mr. Miller stated they are working with UHS to reconcile their balances. Of the \$4.3 million that is owed; Empower owes \$2 million, AR Total Care owes \$1.2 million and Summit Community Care owes \$1.1 million.

The meeting adjourned at 3 p.m.

DRAFT