

MINUTES

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

March 3, 2016

The House and Senate Interim Committees on Public Health, Welfare and Labor met Thursday, March 3, 2016 at 9:00 a.m. in Room 171, State Capitol, Little Rock, Arkansas.

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

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

Other Legislators Attending Were: Senator Jonathan Dismang. Representatives Scott Baltz, Charles Blake, Gary Deffenbaugh, Jim Dotson, Dan Douglas, Bill Gossage, Michelle Gray, Grant Hodges, Joe Jett, Sheilla Lampkin, Julie Mayberry, Reginald Murdock, James Ratliff, Marcus Richmond, and Marshall Wright.

Comments by the Chairs

Representative Kelley Linck called the meeting to order.

Consideration to Approve the Minutes from the February 1, 2016 Meeting (EXHIBIT C)

Without objection the minutes from the February 1, 2016 meeting were approved.

Update on the Zika Virus (Handout #1)

Nate Smith, M.D., State Health Officer, and Director of the Arkansas Department of Health (ADH), and Sue Weinstein, DVM, MPH, State Public Health Veterinarian, Arkansas Department of Health, presented an update and a brief history on the Zika Virus; that is spread by the Aedes species of mosquitoes (Aedes Aegypti and Aedes Albopictus). Dr. Smith stated this is an emerging public health threat, and is related to the West Nile Virus (WNV).

These mosquitoes bite people and animals, live in and around households, and aggressively bite during the day as well as at night. Pregnant women should be especially careful, because the Zika Virus is associated with birth defects. Including being bitten by a mosquito, the presentation listed many ways the Zika Virus may be transmitted, showing the geographic areas of current transmission and infection. Arkansas is one of the twenty-one states in the U.S., with reported cases of the virus. Currently, these cases are strictly travel related.

Dr. Smith listed the symptoms of the Zika Virus (*page 5, Handout #1*), and stated that required hospitalization and death are rare. Four diagnostic tests are available to test for this virus; and even though there are no medications or vaccines to prevent or treat Zika, the ADH recommends plenty of rest, drink lots of fluids, and take Tylenol (or comparable medication). Aspirin and other non-steroidal anti-inflammatory drugs (NSAIDs) should be avoided.

Ms. Weinstein stated that according to recent, very extensive studies that have been conducted worldwide; Zika does not affect any animals other than monkeys. Although Cuba has not had any reported Zika transmissions, anyone traveling to and from Cuba will be required to submit to the same precautionary measures as anyone going to or from areas that have had reports of Zika transmission (i.e. Mexico, Central America, or South America).

Arkansas Health Department prevention recommendations:

- ◆ If pregnant, or planning to become pregnant, do not travel to areas affected by Zika Virus
- ◆ If you travel to affected areas, protect yourself from mosquito bites
- ◆ Practice mosquito control at home in Arkansas, whether you have traveled or not (we still have other diseases carried by mosquitoes)

School Nurses in Arkansas Public Schools—Nurse Survey Results for School Years 2013-2014 and 2014-2015 (EXHIBIT E)

Paula Smith, MNsc, RNP, State School Nurse Consultant, Arkansas Department of Education and Arkansas Department of Health; presented the results of the school nurse survey for school years 2013-2015. Ms. Smith presented a brief overview of Act 414 of 2013, which formed the Public School Health Services Advisory Committee. This committee requires school nurses to complete an annual survey, and to present an annual report of the survey results. Ms. Smith also provided school survey reports for each legislative district to the respective legislator.

The information presented in the report related to the activities of the school nurse:

- ◆ The most common allergy diagnoses
- ◆ The rescue medications which had to be administered
- ◆ The most frequent emergencies requiring 911 or a doctor/dentist
- ◆ The most common procedures
- ◆ Types of medications administered
- ◆ Other health care issues (examples: pregnancies, homebound, etc.)
- ◆ Meetings (examples: with staff, parents, etc.)
- ◆ Needs of the faculty/staff (school nurses help to keep the staff healthy)
- ◆ School nurse coverage (or lack of it)
- ◆ School nurse office needs
 - 2 of the needs are *critical*:
 - 102 school nurse offices do not have running water
 - 207 school nurse offices do not have a double lock cabinet
- ◆ school nurse salaries
 - each school district sets the salaries for their district

Cory Biggs, Staff Attorney, Arkansas Department of Education, and a member of the Public School Health Services Advisory Committee, presented additional information. Mr. Biggs broke down the information on school nurse salaries, and explained how funding is distributed among public school nurse expenses. Mr. Biggs also detailed district expenditures by funding sources, and agreed to find out how the federal funds for district expenditures for nurses are spent.

Arkansas State Board of Nursing, Review of Changes in Rules and Regulations to Comply with Statutory Changes (EXHIBIT F)

Sue Tedford, MNsc, RN, Executive Director, Arkansas State Board of Nursing, and Fred Knight, General Counsel, Arkansas State Board of Nursing, briefly presented the proposed rule changes to rules 1, 2, 3, 4, 7, and 9. The proposed changes will keep the Arkansas State Board of Nursing in compliance with Arkansas Code and Acts 529, 824, 833, 1156, and 1208 that were passed in the 2015 Legislative Session. The new language mirrors federal language.

The committees heard testimony from Sue Tedford, MNsc, RN, Executive Director, Arkansas State Board of Nursing. Following committee discussion, the committees recommended review of the rule.

Department of Human Services, Division of Medical Services, Review of Rules and Regulations, Notice 005-15, Informing Providers of Two New Meningococcal Vaccines and Their Appropriate Current Procedural Codes (CPT) (EXHIBIT G)

Tami Harlan, Chief Operating Officer, Division of Medical Services, Department of Human Services, presented notice of rule changes. To comply with the Advisory Committee on Immunization Practices and the Centers for Disease Control, the Arkansas Department of Human Services (DHS) is recommending that adolescents and young adults be vaccinated with the two MenB vaccines. This will treat a strain of meningitis.

This will be effective April 1, 2016 and these vaccines were recently licensed by the Federal Food and Drug Administration (FDA), based on statutory regulations for accelerated approval because of serious and/or life-threatening diseases.

Ms. Harlan agreed to provide a list of side effects of these two vaccines to the committee, and check to be sure there is enough vaccine for Arkansas physicians to meet the demand of need for this vaccine.

Following committee discussion, the committees recommended review of the rule.

Department of Human Services, Division of Medical Services, Review of Rules and Regulations, Regarding Notice of Rule Making 002-15 and 003-15, Informing Providers of the 2015 Healthcare Common Procedural Coding System (HCPCS) and the 2015 Current Procedural Codes (CPT) (EXHIBIT H)

Tami Harlan, Chief Operating Officer, Division of Medical Services, Department of Human Services, presented the proposed changes to the rules and regulations.

To comply with federal regulations, these changes are necessary to inform providers of the implementation of the annual Current Procedure Codes (CPT) , and the annual Healthcare Common Procedure Codes Systems (HCPCS). These data sets are created and published annually by the American Medical Association and the Centers for Medicare and Medicaid.

This was filed as an emergency rule to originally be effective December 18, 2015, however DHS was unable to meet that deadline because of a delay with the ICD-10 coding system; so the effective date is now January 5, 2016, pending legislative approval.

Following committee discussion, the committees recommended review of the rule.

Department of Human Services, Division of Medical Services, Review of Rules and Regulations for Licensure of Nursing Home Administrators (EXHIBIT I)

Frank Gobell, Business Operations Manager, Division of Medical Services, Department of Human Services, presented the proposed changes on the licensure of nursing home administrators. This rule change allows a nursing home administrator whose license has lapsed, to renew their license under reduced requirements.

Following committee discussion, the committees recommended review of the rule.

Department of Human Services, Division of Medical Services, Review of Rules and Regulations for Long Term Care Facility Nursing Assistant Training Program (EXHIBIT J)

Frank Gobell, Business Operations Manager, Division of Medical Services, Department of Human Services, presented the proposed change. This change will allow nurses from bordering states to act as instructors in the Certified Nurse Aide (CNA) training programs in Arkansas. Arkansas is in a compact agreement with bordering states, which currently allow nurses in bordering states to practice nursing in Arkansas. This agreement is due to the nurse shortage in Arkansas.

After many questions and much discussion, Representative Hammer made a motion to pass this proposed rule change out today as reviewed; but invite Mr. Gobell and his associates to a future meeting for further discussion and review of this compact agreement. The motion passed and Representative Linck stated that this rule stands as reviewed.

Update on Medicaid Newborn Processing Eligibility

Mary Franklin, Interim Director, Division of County Operations, Department of Human Services, presented the update on the processing of the newborn eligibility backlog. Ms. Franklin stated that 3,626 of the 4,045 backlog of newborn babies have been processed into the Medicaid system. The remaining backlog (419) of newborn babies will be completed by the end of March, 2016.

Update on Implementation of Act 161 of 2015, Development of the Outcome Measurement Tool for Children and Youth Receiving Mental Health Services (EXHIBIT L)

Robbie Nix, Business Operations Manager, Division of Behavioral Health Services, Department of Human Services, and Charlie Green, Director, Behavioral Health Services Division, Department of Human Services; presented an update on the implementation of Act 161 of 2015. Dr. Green stated that the agency is waiting on action on whether the state will utilize managed care companies before they can proceed.

The committee adjourned at 11:46 a.m.