

MINUTES

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

July 18, 2016

The House and Senate Interim Committees on Public Health, Welfare and Labor met Monday, July 18, 2016, at 9:00 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, and Missy Irvin.

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

Other Legislators Attending Were: Senators Ronald Caldwell, Linda Chesterfield, and Jonathan Dismang. Representatives Mary Broadaway, Jim Dotson, Charlotte Vining Douglas, Kenneth Ferguson, Micah Neal, Laurie Rushing, and Sue Scott.

Comments by the Chairs

Representative Deborah Ferguson called the meeting to order.

Consideration to Adopt the June 13, 2016 Meeting Minutes (EXHIBIT C)

Without objection, the minutes from the June 13, 2016, meeting was approved.

State Medical Board, Review of the Rule Which Amends Regulation 2.8, Governing Physician/Patient Relationships (EXHIBIT D-1)

and

State Medical Board, Review of Regulation 38, Which Establishes a Requirement for Physicians to Provide Telemedicine Services (EXHIBIT D-2)

(These Rules were Referred by the Administrative Rules and Regulations Subcommittee of the Arkansas Legislative Council.) (Handouts 1-A, 1-B, 1-C, and 1-D)

Kevin O'Dwyer, Attorney, State Medical Board, Representative Stephen Magie, and David Wroten, Executive Vice President, Arkansas Medical Society gave testimony on these two regulations.

Representative Ferguson said that the term, 'Store & Forward technology', seemed to be causing concern among the members.

Mr. O'Dwyer explained the difference between the language in the original act (Act 887) and the amendments presented for review today (Regulations 2.8 & 38). He also stated that Governor Asa Hutchinson stands by these changes. Representative Stephen Magie gave a brief overview on the Telemedicine Advisory Committee and the work they are committed to perform. He also provided more clarity by defining the term, 'Store & Forward technology'.

Representative Ferguson stated these amending rules are before the Public Health, Welfare & Labor Committees today to *only* be reviewed and evaluated on the following points:

- ❖ If there are substantive changes in these amending rules
- ❖ If they need to go back to public comment
- ❖ Whether or not to review these rules that were laid to the statute that was passed

Mr. O'Dwyer stated that no one spoke for or against these rules during the public comment period. Senator Missy Irvin gave a detailed explanation of the telemedicine act, and the amending rules (2.8 & 38). Senator Irvin said she attended most of the advisory board meetings, and that she witnessed complete transparency regarding the proposed changes to the telemedicine act.

After many questions and much discussion of these two regulations, the committees held a roll call vote on a motion to send Rule 2.8 to Rules and Regulations as reviewed. Due to a lack of quorum in the Senate, the motion failed.

Overview of the Tobacco Settlement Fund (EXHIBIT E)

Kevin Anderson, Assistant Director, Fiscal Services, Bureau of Legislative Research, presented an overview of the Tobacco Settlement Fund. He briefly outlined the fiscal report prepared by the Fiscal Division of the Bureau of Legislative Research.

The first page is a summary of the Master Settlement Agreement, and is followed by a flow chart of the activities and programs of the Tobacco Settlement Commission. The rest of the report details the governance and usage of the tobacco settlement payments that are made to the Arkansas Health Century Trust Fund. It also includes the activities and progress of the programs funded by the tobacco settlement funds.

Discussion of the Tobacco Prevention and Cessation Program (TPCP) (Handout 2)

Nathaniel Smith, M.D., MPH, Director of Arkansas Department of Health and The State Health Officer, Stephanie C. Williams, RNP, MPH, Deputy Director for the Public Health Program, Arkansas Department of Health, and J. Gary Wheeler, M.D., MPS, Chief Medical Officer, Arkansas Department of Health; presented an overview of Arkansas's tobacco prevention and cessation program, with special emphasis on the "Tobacco Quit Line".

Dr. Smith gave a brief history of this program, and noted that the four leading causes of death in Arkansas are tobacco related. The presentation included a graph on the relationship of tobacco use to strokes and cardiovascular disease. Some of the statistics resulting from the inception of the Arkansas Tobacco Prevention and Cessation program are:

- ◆ Cigarette smoking for pregnant women decreased
- ◆ As cigarette sales declined, so did the number of deaths from strokes and heart disease

The Arkansas Tobacco Quitline:

- ◆ Is a highly cost-effective treatment plan for nicotine addiction, available to all Arkansans
- ◆ Utilizes one-on-one counseling
- ◆ More than 3,000 Arkansas Tobacco Quitline users have successfully quit
- ◆ Arkansas saves \$28 in direct healthcare costs for every \$1 invested in the Arkansas Tobacco Quitline

Eliminating the Arkansas Tobacco Quitline would result in a projected lost savings amount of about \$14 million a year in the Medicaid program.

Review of the Arkansas Tobacco Settlement Commission Quarterly Report--July 1, 2015-September 30, 2015, (Act 728 of 2015) (EXHIBIT G)

Misty Hunt Murphy, Executive Director, Arkansas Tobacco Settlement Commission, presented the quarterly report. Ms. Murphy gave a brief overview of the quarterly report and discussed all of the programs that are funded by the tobacco settlement funds.

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

Arkansas Department of Health, Center for Health Protection, Review of Rules and Regulations Pertaining to Public Access to Auto-Injectable Epinephrine (EXHIBIT H)

Robert Brech, Chief Financial Officer, Arkansas Department of Health, presented the proposed rule on Public Access to Auto-Injectable Epinephrine. This rule is being presented for the second time because it had to be amended.

The proposed rules and regulations pertaining to Act 1108 of 2015 are as follows:

- ◆ After the completion of the training specified in this act, a layperson may possess and administer auto-injectable epinephrine to a person who appears to be suffering a severe adverse allergic reaction.
- ◆ Entities utilizing these laypersons are responsible for correct storage of this medication and for reporting to the Health Department each incident of usage of the medication. This reporting will be summarized and reported annually by the Health Department.
- ◆ The Health Department will issue certificates to persons eligible to administer this medication and accept certificates issued pursuant to Section IV (3).

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

Other Business

Representative Dan Sullivan made a motion for the Telemedicine rule amendments to stand as not reviewed and to be sent back to the Administrative Rules and Regulations Subcommittee. The motion passed without objection.

The meeting adjourned at 11:45 a.m.