

MINUTES

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

August 14, 2017

The House and Senate Interim Committees on Public Health, Welfare and Labor, met Monday, August 14, 2017, at 10:00 a.m. in Committee Room A, MAC Building, Little Rock, Arkansas.

Public Health Senate Members Attending: Senators Eddie Cheatham, Vice Chair; John Cooper, Lance Eads, Stephanie Flowers, and Missy Irvin.

Public Health House Members Attending: Representatives Jeff Wardlaw, Chair; Mary Bentley, Justin Boyd, Bruce Coleman, Justin Gonzales, Kim Hammer, Ken Henderson, Fredrick Love, Robin Lundstrum, David Meeks, and Chris Richey.

Other Legislators Attending: Senators Linda Chesterfield, and Jonathan Dismang. Representatives Fred Allen, Charlie Collins, Trevor Drown, Kenneth Ferguson, Charlene Fite, Ron McNair, Laurie Rushing, and Danny Watson.

Comments by the Chairs

Senate Vice-Chair, Eddie Cheatham called the meeting to order.

Consideration to Adopt the July 10, 2017 Meeting Minutes (EXHIBIT C)

Without objection, the July 10, 2017 meeting minutes were adopted.

Arkansas State Board of Nursing (ASBN), Review of Rules and Regulations Pertaining to Advanced Practice Registered Nurses by Adding Verification of Active Practice of Nursing as a Registered Nurse for a Minimum of 2000 Hours, Effective July 1, 2019 (EXHIBIT D)

Sue Tedford, RN, Executive Director, Arkansas State Board of Nursing, and Fred Knight, General Counsel, Arkansas State Board of Nursing, presented this proposed rule change.

The proposed changes will ensure that nurses would have a minimum of 2000 active nursing practice hours, before they are allowed to progress on to the advanced practice educational programs; where upon completion students will become Advanced Practice Registered Nurses (APRNs). This proposed change is in line with Arkansas in-state programs (it has not been compared with any out-of-state programs).

Following committee discussion, Vice Chair Cheatham stated that without objection this rule will stand as reviewed.

Arkansas Department of Environmental Quality (ADEQ), Review of Rules and Regulations Pertaining to Arkansas Pollution Control and Environmental Control Regulation No. 9, Fee Regulation (EXHIBIT E)

Basil Hicks, Attorney Specialist, Arkansas Department of Environmental Quality, presented this proposed rule change to Regulation No. 9.

Mr. Hicks gave a detailed overview of the proposed changes to six sections of Regulation 9 concerning fee regulation.

Following committee discussion, Vice Chair Cheatham stated that without objection this rule will stand as reviewed.

Department of Human Services (DHS), Review of Rules and Regulations Pertaining to the Revision of the Medical Services Policy to Comply with the Arkansas Works Waiver (EXHIBIT F)

Dave Mills, Program Administrator, Division of County Operations, and Mary Franklin, Director, Division of County Operations, both with the Department of Human Services, presented this proposed revision to the Medical Services Policy Manual. Brad Nye, Assistant Director, Division of Aging and Adult Services and Kelley Linck, Chief Governmental Liaison of Legislative Affairs, both with the Department of Human Services; also provided information.

Dave Mills presented an overview of the proposed changes to retroactive coverage regulations in the Arkansas Works Program. Kelley Linck provided information on the reasons for these proposed changes.

Representative Wardlaw and other committee members questioned some of these proposed changes. Members thought there appeared to be some conflicts of these proposed changes with federal regulations. DHS contends that the waiver covers anything that conflicts with federal regulations.

Representative Kim Hammer referenced the question on the 7th page of Exhibit F: “What is the total estimated cost by fiscal year to state county, municipal government to implement this rule?” To see how it connects with the numbers presented to this committee today, Representative Hammer asked DHS to tell the committee what they submitted to CMS (Centers for Medicare and Medicaid Services) in answer to that question; to show the financial impact.

After much discussion and unresolved concerns by the committee members, Senator Missy Irvin made a motion to hold this rule until next month. Senator Cheatham stated this rule is held until next month.

Discussion of Upcoming List of Rules and Regulations Coming Before the Senate and House Public Health Committees in September, October, and November of 2017 (Handout #1)

Kelley Linck, Chief Governmental Liaison of Legislative Affairs, Department of Human Services, presented this discussion.

Mr. Linck gave a brief overview of the upcoming list of rules and regulations for September, October, and November, 2017.

Transitioning People from Medicaid to the Marketplace for Insurance Coverage (Handout #2)

Delores Chitwood, Arkansas Legislative Advocacy Chair, National Association of Insurance and Financial Advisors (NAIFA); and Kelley Linck, Chief Governmental Liaison of Legislative Affairs, Department of Human Services; presented this discussion.

Kelley Linck stated that due to the changes in the Arkansas Works Program and the CMS Waiver Request, there will be approximately 60,000 persons coming off the expanded Medicaid rolls next year. He stated that DHS looks forward to working with NAIFA to make certain those people have an opportunity to buy health insurance.

Ms. Chitwood provided an overview of insight from the agent community regarding the enrollment of clients transferring out of the Arkansas Works Program because they have become income ineligible. It is the concern and hope of NAIFA that this transition will be seamless and smooth.

Meetings between NAIFA and DHS over the past several years has led to a positive working relationship between the two agencies and led to a positive understanding of the role the agents play in helping the consumer to interface into the process of getting insurance. The following are concerns and suggestions from NAIFA:

- ❖ At the suggestion of NAIFA, DHS is currently developing an agent’s guide that includes how agents may interface the system, with written authorization from DHS.
- ❖ Notices on transferring enrollment are going out soon. These notices need to have clarity on:
 - The reason enrollees are losing Medicaid premium support
 - Instructions on how to and the need to, enroll in the Federal Exchange to continue coverage
 - Encouraging people to contact their agent for help in the process and/or direction to the Federal Exchange
 - Explaining in clear language that new plans may require premium payment, **AND** if that premium is not paid, coverage will terminate and they will not be able to re-enroll until the next annual enrollment period
- ❖ NAIFA would like to be able to review the notice before it is sent out to consumers, to ensure it is written in consumer-friendly language
- ❖ NAIFA requested that agents have notification whenever there is a change in their client’s coverage. However, DHS said they are unable to do this because their system is not programmed for this procedure; and updating their system for this procedure will cost more than has been appropriated for an update of this magnitude.

NAIFA would like to encourage the legislature to consider funding to be appropriated for these needed updates. An educational meeting is being developed for NAIFA agents, and it will meet in the latter part of September.

The meeting adjourned at 11:15 a.m.