

MINUTES

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

September 5, 2017

The House and Senate Interim Committees on Public Health, Welfare and Labor met Tuesday, September 5, 2017, at 10:00 a.m. in Committee Room A, MAC Building, Little Rock, Arkansas.

Public Health Senate Members Attending: Senators Cecile Bledsoe, Chair; Eddie Cheatham, Vice Chair; and Lance Eads.

Public Health House Members Attending: Representatives Jeff Wardlaw, Chair; Deborah Ferguson, Vice Chair; Mary Bentley, Justin Boyd, David Branscum, Bruce Coleman, Justin Gonzales, Kim Hammer, Ken Henderson, Jack Ladyman, Fredrick Love, Robin Lundstrum, Stephen Magie, Austin McCollum, David Meeks, Josh Miller, John Payton, Aaron Pilkington, Chris Richey, and Richard Womack.

Other Legislators Attending: Representatives Fred Allen, Scott Baltz, Charles Blake, Charlotte V. Douglas, Jon Eubanks, Jack Fortner, Jimmy Gazaway, Michelle Gray, David Hillman, Mark McElroy, Dan Sullivan, and Danny Watson.

Comments by the Chairs

Representative Jeff Wardlaw, House Chair, recognized Phil Price, Senior Staff Analyst, to make some announcements. Mr. Price reminded committee members of the two Public Health Committee Meetings in October:

- ❖ October 9th in Warren, Arkansas at the Southeast Arkansas Human Development Center
- ❖ October 10th in Committee Room A in the Big MAC Building on the grounds of the State Capitol in Little Rock, Arkansas.

Mr. Price and Senator Cecile Bledsoe gave a brief overview of the agenda items for these meetings.

Consideration to Adopt the August 14, 2017 Meeting Minutes (EXHIBIT C)

Without objection, the August 14, 2017 meeting minutes were adopted.

Department of Human Services (DHS), Division of Developmentally Disabled Services (DDS), Review of Rule Which Amends the Community and Employment Support (CES) 1915(c) Waiver, the CES Provider Manual, and the CES Certification Standards Which Requires All CES Waiver Participants to Join a Provider-Owned Arkansas Shared Savings Entity (PASSE) (EXHIBIT D)

And

Department of Human Services, Division of Medical Services (DMS), Review of Rule Which Implements Phase 1 of the Provider-Led Arkansas Shared Savings Program (PASSE). The PASSE Entities Will Provide Care Coordination Services to Attributed Beneficiaries as They Prepare to Assume Full Financial Risk in January, 2019 (EXHIBIT I)

(Agenda Items 'D' and 'I' were presented simultaneously)

Melissa Stone, Director, Division of Developmentally Disabled Services, Kelley Linck, Chief Governmental Liaison of Legislative Affairs, Craig Cloud, Director, Division of Aging and Adult Services (DAAS), and Paula Stone, Assistant Clinical Director, Division of Behavioral Health Services, all with the Department of Human Services; presented eight proposed rule changes

A significant change to the Community and Employment Support (CES) Waiver is that participating clients of the CES Waiver will be attributed to the provider-led shared savings model; and it also mandates that the independent assessment will match clients with the appropriate tier for their health needs. The CES Provider Manual, the PASSE (Provider-Led Arkansas Shared Savings Entity) Provider Manual, and the Certification Standards for CES Providers have all been updated to reflect these changes.

Paula Stone stated the attribution process will not start until January and February of 2018.

Following committee discussion, Representative Wardlaw stated that without objection these rules will stand as reviewed.

Department of Human Services, Division of Developmentally Disabled Services (DDS), Review of Rule Which Modifies and Updates DDS Appeals Policy 1076 (EXHIBIT E)

Melissa Stone, Director, Division of Developmentally Disabled Services, Department of Human Services, explained that DDS Policy 1076 explains the appeals process for all of the DDS programs.

Following committee discussion, Representative Wardlaw stated that without objection these rules will stand as reviewed.

Department of Human Services, Division of Developmentally Disabled Services, Review of Rule Which Modifies and Updates Human Development Centers (HDC) Admission and Discharge Rules (EXHIBIT F)

And

Department of Human Services, Division of Developmentally Disabled Services (DDS), Review of Rule Which Modifies and Updates the Community Health Management System (CHMS) and the Developmental Day Treatment Clinic Services (DDTCS) Manuals, DDS Standards for Certification, Investigation and Monitoring; and the State Plan Amendments to Require Beneficiaries to Undergo an Independent Developmental Screen. (EXHIBIT G)

(Agenda Items 'F' and 'G' were presented simultaneously)

Adding mandated language is the most significant change to the admission and discharge rules of the Arkansas Human Development Centers.

Paula Stone explained the appeal process and the right of each client to appeal their assessment determination. Representative Wardlaw asked Ms. Stone to provide this information to the staff in written detail, so each member can see each step in this process. Ms. P. Stone agreed to provide this information.

The reason for the change in the processing of independent assessments is because it was recommended by the Health Reform Task Force, and it has also become a national trend. In addition to these proposed changes, DHS is updating and modifying the CHMS (Community Health Management System) Medicaid Provider Manual, the DDTCS (Developmental Day Treatment Clinic Services) Medicaid Provider Manual, the State Plan for CHMS and DDTCS programs, and the DDS Standards for Certification, Investigation and Monitoring.

Following committee discussion, Representative Wardlaw stated that without objection these rules will stand as reviewed.

Department of Human Services, Division of Medical Services, Review of Rule Which Requires an Independent Assessment for Personal Care Providers, and a Criminal Background Check for Providers (EXHIBIT H)

Craig Cloud, Director, Division of Aging and Adult Services (DAAS), Department of Human Services, presented this proposed rule change. This proposed rule change adds the requirement that all owners, principals, employees, and contract staff of certain providers must submit to criminal background checks.

Following committee discussion, Representative Wardlaw stated that without objection these rules will stand as reviewed.

Department of Human Services, Division of Medical Services, Review of Rule Which Modifies and Updates Outpatient Behavioral Health Services (1-17), Inpatient Psychiatric Services for Persons Under Age 21 (1-17), and Residential Community Reintegration Program Certification (EXHIBIT J)

Paula Stone, Assistant Clinical Director, Division of Behavioral Health Services, Department of Human Services, presented these proposed rule changes. The proposed changes will move the Residential Community Reintegration Program service from the Inpatient Psychiatric Manual to the Outpatient Behavioral Health Services Manual; and will establish certification requirements for the Residential Community Reintegration Program.

Following committee discussion, Representative Wardlaw stated that without objection these rules will stand as reviewed.

Department of Human Services, Division of Medical Services, Review of Rule Which Updates the Independent Assessment Manual Effective October 1, 2017, and Implements an Independent Assessment for Beneficiaries with Behavioral Health and Developmental/Intellectual Disabilities Service Needs (EXHIBIT K)

Ms. P. Stone said that DDS would provide the members with the breakdown of the budget of the Optimum contract that details each expenditure.

The customization of the Independent Assessment tool has been completed for DDS and Behavioral Health. The assessments will be completed this week. There are 250 DDS clients and 250 Behavioral Health clients. These assessments are one-on-one interviews with the client and/or their guardian. There are 53 DDS assessors, 9 behavioral health assessors, and 24 for aging.

Ms. P. Stone explained how the independent assessors would be able to complete all of the 60,000 independent assessments for the new enrollees, in the time allowed.

Following committee discussion, Representative Wardlaw stated that without objection these rules will stand as reviewed.

Department of Human Services, Division of County Operations, Review of Rule Which Establishes the Achieving a Better Life Experience (ABLE) Program in Arkansas, and Amends the Medical Services Policy Manual, Sections E-600 through E-670 and Appendix R (EXHIBIT L)

Dave Mills, Program Administrator, Division of County Operations, and Mary Franklin, Director, Division of County Operations, both with the Department of Human Services; presented these proposed changes. Mr. Linck stated that this proposed rule change is a result of legislation passed in 2015.

These policy sections (Sections E-600 through E-670 and Appendix R) are new to the Medical Services Policy Manual. An ABLE account is a tax-advantaged account that enables an eligible person to save funds to be used for their disability-related expenses. \$100,000 of the balance of an ABLE account may be excluded from the resources of the designated person when determining Medicaid eligibility.

Following committee discussion, Representative Wardlaw stated that without objection these rules will stand as reviewed.

Arkansas Minority Health Commission, FY2017 Annual Report, and the Annual Health Workforce Report (Annual Report ACA 20-2-107) (3 Handouts)

ShaRhonda J. Love, MPH, Director, Arkansas Minority Health Commission, briefly presented the FY2017 Annual Report.

Ms. Love gave an overview of a new mobile health unit which will be purchased with carryover funds from last year. This program will enable Arkansas to provide healthcare services to all 75 Arkansas counties.

Following presentation, Representative Wardlaw stated the report is adopted.

Arkansas Tobacco Settlement Commission, Review of the 2016 Annual Report (Section 3 of Act 58 of 2017) (Handout)

Matt Gilmore, Executive Director, Arkansas Tobacco Settlement Commission, presented the 2016 Annual Report. Mr. Gilmore briefly presented updates of each of the seven (7) programs they sponsor.

Following presentation, Representative Wardlaw stated the report is adopted.

The meeting adjourned at 11:10 a.m.