

MINUTES

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

August 17, 2011

The House and Senate Interim Committees on Public Health, Welfare and Labor met Wednesday, August 17, 2011 at 1:00 p.m. in Room 209 at the Hot Springs Convention Center, Hot Springs, Arkansas.

Public Health Senate members attending were: Senators Percy Malone, Chair; Randy Laverty, Vice Chair; Missy Irvin, and Bill Pritchard.

Public Health House members attending were: Representatives Linda Tyler, Chair; Sheilla Lampkin, Greg Leding, Andy Mayberry, Tracy Pennartz, and Garry Smith.

Non-Voting Public Health House members attending were: Representatives Mark Biviano, Bruce Cozart, and Lane Jean.

Other legislators attending were: Representatives John Catlett, Loy Mauch, and John Vines.

Representative Linda Tyler called the meeting to order.

REVIEW OF MINUTES FROM THE JULY 14, 2011 SENATE MEETING, AND THE JULY 21, 2011 HOUSE & SENATE MEETING (EXHIBITS B & C)

Representative Linda Tyler stated that without objection the minutes from both meetings would be approved.

COMMENTS BY THE CHAIRS

Representative Tyler thanked everyone for attending today's meeting of the House & Senate Public Health Welfare & Labor Committee meeting, and then proceeded with the agenda.

WELCOME & INTRODUCTIONS BY DAVID COLEMAN, LEGISLATIVE CHAIR, MENTAL HEALTH COUNCIL OF ARKANSAS

David Coleman, Legislative Chair, Mental Health Council of Arkansas, welcomed everyone to the committee meeting which is being held in conjunction with the Arkansas Annual Mental Health Council Behavioral Health Institute this week.

Mr. Coleman said the behavioral health center directors will introduce themselves, after which Steve Newsome, Chief Executive Officer, Counseling Associates in Conway followed with an overview of the Conway Community Mental Health Center.

OVERVIEW OF A COMMUNITY MENTAL HEALTH CENTER

Steve Newsome, Chief Executive Officer of Counseling Associates, Inc. (CAI), presented a brief overview of CAI's services with a focus on the Mental Health Clinic in Conway. In 1972 Counseling Associates, Inc. was first established in Russellville as a Community Mental Health Center (CMHC). Eventually more centers were opened in Conway, Russellville, Clarksville, and Morrilton. These centers are private, non-profit 501-C3s and the CMHCs have a staff of 200, and 7,000 active clients.

In addition to services specific to the adults and specific to the children, Mr. Newsome listed the following additional services available to area residents:

- ◆ Substance Abuse Services
- ◆ Community Support Services
- ◆ Services to Community
- ◆ Education and Prevention

The center also includes Acute Care Services ranging from Single Point of Entry (SPOE) to hospital referrals for other services. These clinics also provide 24/7/365 emergency services for adults and children. The Conway clinic also has a residential/emergency shelter for girls and a Therapeutic Foster Care Program. In addition, St. Mary's Hospital in Russellville will open a new 50-bed adult unit October 1, 2011.

Mr. Newsome said there is a lot of emphasis on blending behavioral health and primary health care. In addition, Janie Huddleston, Deputy Director at DHS, has been working hard to effect changes that will bring mental health and substance abuse services closer together under the behavioral health umbrella.

Representative Tracy Pennartz asked Mr. Newsome if Counseling Associates, Inc. has had to lay off counselors. Mr. Newsome said they had to lay off approximately 18 employees and close 2 residential centers, due to some unexpected expenses and a reduction in state grants.

REMARKS BY LINDA ROSENBERG, PRESIDENT/CHIEF EXECUTIVE OFFICER, NATIONAL COUNCIL FOR COMMUNITY BEHAVIORAL HEALTHCARE

Linda Rosenberg stated the National Council for Community Behavioral Healthcare represents about 2,000 organizations providing mental health and substance abuse treatment, including all centers in Arkansas. Many of these member organizations across the country receive 80%-90% of their funding from Medicaid.

The National Council is a non-profit advocacy group whose purpose is to educate the public about mental and behavioral health. The Council also acts as an advocate for public policies in mental and behavioral health that ensures people who are ill can access comprehensive healthcare services. Ms. Rosenberg stated that Congress will appoint a bi-partisan commission to review deficit reduction strategies, which will put Medicare, Medicaid, and Social Security under scrutiny.

Ms. Rosenberg stated that one in four American citizens have an emotional disturbance and one in five suicides is committed by a veteran. The National Council will address behavioral health as a public health crisis to the U. S. Congress.

Substance abuse Statistics:

- ◆ Three million Americans, 12 years and older, use illicit drugs
- ◆ 17,000 deaths from prescription opiate drugs annually across the nation
- ◆ One-fourth of adult hospital stays also have an associated mental or substance abuse disorder
- ◆ 83% of persons with serious mental disorders are obese
- ◆ Half of all cigarettes sold, are sold to people who have serious mental disorders
- ◆ Average age of death for people with serious mental disorders is 54

Mr. Rosenberg concluded her remarks with the statement that: Forty percent of all people with mental and addiction disorders receive no treatment, however with treatment 70%-80% would recover.

STATE BOARD OF NURSING: NURSING EDUCATION PROGRESS (MEASUREMENT OF THE MINIMUM CONTENT IN PRACTICAL NURSE CURRICULUM) (EXHIBIT H)

Sue Tedford, Executive Director, State Board of Nursing, stated this proposed rule will change the manner in which the length of PN (Practical Nurse) programs are measured.

Representative Tyler stated the proposed change would stand as reviewed

DEPARTMENT OF HUMAN SERVICES, DIVISION OF MEDICAL SERVICES, ADD SUBSTANCE ABUSE TREATMENT SERVICES TO ARKIDS FIRST-B, 3-11, DEMONSTRATION WAIVER POLICY (EXHIBIT I)

Jeff Wood, Deputy Counsel, Office of Chief Counsel, Department of Human Services, stated the proposed change to ARKids First B, 3-11, will amend the manual to add substance abuse services.

Dawn Zekis, Director, Policy Planning, Department of Human Services, said there would be increased savings in the second year. This savings is in anticipation of increased enrollment in the Substance Abuse Treatment Services Program (SATS). Ms. Zekis said she anticipated the high enrollment in SATS would result in a decrease in the use of other programs funded by Medicaid.

Senator Irvin wanted to know when clients began enrolling in this program. Ms. Zekis said that ARKids A eligibles began enrolling July 1, 2011 (eligible ARKids A enrollees are children up to age 19, and pregnant/post partum women). ARKids B will be eligible to enroll November 15, 2011.

Representative Tyler stated the proposed change would stand as reviewed

DEPARTMENT OF HUMAN SERVICES, DIVISION OF MEDICAL SERVICES, ADD SUBSTANCE ABUSE TREATMENT SERVICES TO ARKIDS FIRST-B 1115, DEMONSTRATION WAIVER POLICY (EXHIBIT J)

Jeff Wood, Deputy Counsel, Office of Chief Counsel, Department of Human Services, stated the proposed change to ARKids First B, 1115 will amend the state plan to add substance abuse services.

Representative Tyler stated the proposed change would stand as reviewed

DEPARTMENT OF HUMAN SERVICES, DIVISION OF MEDICAL SERVICES, IMPLEMENT A HEALTH INSURANCE PREMIUM PAYMENT PROCESS FOR MEDICAID BENEFICIARIES IF PAYMENTS ARE COST EFFECTIVE (EXHIBIT K)

Jeff Wood, Deputy Counsel, Office of Chief Counsel, Department of Human Services (DHS), stated that, if cost effective, the Division of Medical Services (DMS) may pay the health insurance plans for Medicaid eligible individuals.

Michael Crump, Third Party Liability Unit, Department of Human Services, said that 43 other states participate in this plan, and it was used slightly during the 1990's in Arkansas. This plan will also cover whole households as long as it saves money for Medicaid, and allow the recipient to retain their Medicaid coverage for anything not covered by the health plans. In addition, DHS can identify new Medicaid beneficiaries through outreach programs.

Representative Mayberry asked why the big difference in savings from SFY2012 to SFY2013. Mr. Crump stated that since this program will not start until November 15, 2011, SFY2012 will be a shorter year than SFY2013 and the following years (the savings will be about \$300 per month per case). Startup years are usually more costly.

Mr. Crump stated that with the addition of Medicaid eligibles to employer insured programs, Arkansas employers will have the burden of paying more insurance premiums. Senator Malone asked Mr. Crump if employers were notified that the total insurance costs will be shifted to them, how they were notified, and who notified them. Mr. Crump stated notification was sent to employers via the internet and the legal section of the newspaper. DHS collaborated with David Hancock of Health Management Systems to notify the top ten employers.

Senator Malone suggested there needs to be a more efficient and reliable means of notification to all employers and insurance companies, other than the internet and the legal section of the newspaper.

Senator Malone requested that DHS pull this issue down until a public hearing is held. Mr. Wood agreed to pull it down until after the public hearing is held on this matter.

Representative Tyler stated this issue will be considered at another time.

DEPARTMENT OF HUMAN SERVICES, DIVISION OF MEDICAL SERVICES, DENTAL PRIOR AUTHORIZATION AND BENEFIT LIMITS (DENTAL 1-11) (EXHIBIT L)

Jeff Wood, Deputy Counsel, Office of Chief Counsel, Department of Human Services, said the proposed change will eliminate prior authorization requirements for certain dental procedures, thus helping individuals avoid potential adverse health issues.

The proposed effective date of this rule is November 14, 2011, which is the expiration date of the emergency rule that was filed July 18, 2011.

Representative Tyler stated the proposed change would stand as reviewed

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY (ADEQ), TRIENNIAL REVIEW PROCESS OF REGULATION NO. 2 CONCERNING WATER QUALITY STANDARDS (EXHIBIT M)

Representative Tyler said Item M has been removed from the agenda and will be heard at another time, at the request of the Arkansas Department of Environmental Quality.

ADOPTION & PRESENTATION OF INTERIM STUDY PROPOSAL, ISP2011-010 – “AN ACT TO REQUIRE NOTICE OF DISCLOSURE FOR DRINKING WATER SYSTEMS THAT FLUORIDATE DRINKING WATER; AND FOR OTHER PURPOSES.” (EXHIBIT N)

Representative Loy Mauch, Sponsor, was prepared to present his ISP, however he discovered that ISP2011-010 was not the ISP he wanted to study. Instead of the ISP listed on the agenda, he wanted to discuss HB1205. Chairman Tyler asked staff for advice on how to proceed.

Michael Feehan, Staff Attorney for the Public Health, Welfare & Labor Committees, said since no public notice of the particular bill was posted, technically there could be a problem—however the general topic is noticed. Therefore, if the Chair approves, it would be proper to allow testimony today from individuals who are here expressly to testify for/against this issue; then continue the ISP at a future meeting. If we don't continue it, that could be a problem.

Senator Malone suggested letting the people who made the trip give their testimony, ask the sponsor to have his ISP rewritten, present the ISP to the committee for adoption, and then appoint a subcommittee to review it. Senator Malone stated that traditionally, the committee adopted the member's ISP and then the chairs and/or co-chairs of the committee could assign it to a subcommittee to hold a hearing. He stated this has been the practice and he would recommend we continue this same practice unless there are objections.

Senator Lavery made a motion that the committees hear the testimonies today on Representative Mauch's proposed ISP, but hold the ISP for adoption at a future meeting after the ISP has been rewritten. The motion passed without objection.

Representative Mauch stated this ISP will ensure Arkansas water districts follow the law when adding chemicals to the drinking water of Arkansas. This law will ensure accountability, transparency/full disclosure, compliance with all laws, and conform to all water quality standards.

Presenters of testimony in support of HB1205, The Arkansas Water Additive Accountability Act:

Jeff Green, representing National Citizens for Safe Drinking Water

For clarification, Mr. Green stated that phrases in the ISP, such as water system, water operator, and water system operator have the same meaning. The water operator has control over whether or not something works, how much, with constraints, of what chemical they do or don't use, and determines what is or is not working. This bill will create accountability, and establish criteria for certifying the chemicals that water companies purchase are safe for the water systems of Arkansas.

Renê Fonseca, Boone-Carroll Water Association

Mr. Fonseca said this area of NW Ark supports HB1205 because it will help protect the water consumers of the Boone-Carroll area.

Phillip Miesner, Manager, Watson Chapel Water Association

Mr. Miesner stated that the Watson Chapel Water Association has been in existence since 1984 and has always tried to supply the highest quality water at the lowest possible rate. The Watson Chapel community supports HB1205.

Peggy Maruther, Hot Springs Board of Directors

Ms. Maruther said Arkansas needs to ensure that the chemicals going into Arkansas water systems are safe for everyone and everything.

Joe Walls, Former Water System Operator

Mr. Walls said he is for putting the safest chemicals possible in Arkansas water systems and to initiate a process for tracking the chemicals in Arkansas's water systems. Currently there is no tracking system for the chemical content of Arkansas water systems. Before water systems purchase chemicals for their water they need to validate:

- ◆ where the chemicals came from
- ◆ what & how much of other chemicals and trace elements are in the purchased chemical(s)
- ◆ is it serving the purpose for which it was purchased.

House bill 1205 will make it mandatory for vendors to furnish this information.

Nancy Emmons and Tori Maren, citizens of Hot Springs and Hot Springs Village, Arkansas, spoke against adding chemicals to the water systems of Arkansas.

Crystal Harvey, representing Secure Arkansas and Arkansas Citizens for Safe Drinking Water

Ms. Harvey stated for clarification, that the meeting today is not about putting fluoride in the water, but it is about the chemicals that go into Arkansas water systems. Ms. Harvey's concern has always been about the fluoridation chemicals that come from China and are tested in China before they get to the United States, but are not retested before going into Arkansas water systems. On behalf of Arkansas citizens, Ms. Harvey is requesting these chemicals be tested not just once a year, but each time before they are put into the water systems.

Arkansas just wants more accountability of chemicals that are being added to Arkansas water systems.

The meeting adjourned at 3:10 p.m.