

AGENDA
Senate Committee on Public Health, Welfare, and Labor
House Committee on Public Health, Welfare, and Labor
Meeting Jointly

Tuesday, June 9, 2020
1:00 PM
Room A, MAC
Little Rock, Arkansas

Sen. Missy Irvin, Chair
Sen. David Wallace, Vice-Chair
Sen. Bill Sample
Sen. Ronald Caldwell
Sen. Jimmy Hickey, Jr
Sen. Bart Hester
Sen. Scott Flippo
Sen. Kim Hammer

Rep. Jack Ladyman, Chair
Rep. Deborah Ferguson, Vice-Chair
Rep. Fredrick J. Love
Rep. Jeff Wardlaw
Rep. Chris Richey
Rep. Stephen Magie
Rep. Josh Miller
Rep. Richard Womack
Rep. John Payton
Rep. Mary Bentley

Rep. Michelle Gray
Rep. Justin Gonzales
Rep. Kenneth B. Ferguson
Rep. Justin Boyd
Rep. Karilyn Brown
Rep. Austin McCollum
Rep. Bruce Coleman
Rep. Clint Penzo
Rep. Mark Perry
Rep. Lee Johnson

If any member of the public wishes to make a public comment regarding any of these rules, comments may be submitted to BLRRules@blr.arkansas.gov by 4:30 p.m. on June 8, 2020. Comments will be forwarded to the members of the committees prior to consideration of the rules. Members of the public may also attend the committee meeting to provide comments; however, due to the health precautions, access will be limited to no more than fifteen (15) members of the public.

A. Call to Order

B. Comments by the Chairs

1. Representative Jack Ladyman
2. Senator Missy Irvin

~~C. Consideration to Adopt the May 4, 2020, Meeting Minutes [Exhibit C]~~

~~D. Arkansas Department of Human Services (DHS), Division of Medical Services, Review of Rule to amend AR Choices and Personal Care Medicaid Provider Manuals to implement regulatory reform which will allow the Manuals to mirror the Arkansas Department of Health (ADH) requirements while reducing administrative costs for providers. These revisions will allow DHS to make technical changes and corrections and bring DHS into compliance with the new ADH rules. [Exhibit D]~~

- ~~1. Mark White, Chief Legislative and Intergovernmental Affairs Officer and Chief of Staff, DHS~~
- ~~2. Patricia Gann, Deputy Director, Division of Aging Adult and Behavioral Health Services, DHS~~
- ~~3. Discussion and Action by the Committees~~

~~E. Arkansas Department of Human Services, Division of County Operations, Review of Rule which updates Medicaid Services Policy Manual to reflect changes in coverage, services limits, and assessments due to Home and Community-Based Waiver (HCBS) reforms. Policy also updated to match State Plan Amendment (SPA 2019-0007) regarding post-eligibility treatment of income and allowable income offsets for nursing facility residents. [Exhibit E]~~

- ~~1. Mary Franklin, Director, Division of County Operations, DHS~~
- ~~2. Discussion and Action by the Committees~~

Note: All exhibits for this meeting are available by electronic means and are accessible on the General Assembly's website at www.arkleg.state.ar.us

Notice: Silence your cell phones. Keep your personal conversations to a minimum. Observe restrictions designating areas as 'Members and Staff Only'.

- ~~F. Arkansas Department of Human Services, Division of Medical Services, Review of Rule to amend the Self-Direction Budget Calculation methodology for the Independent Choices Program with the State Plan Amendment (SPA-2020-0001). The change is needed because of the impact on the self-direction program from increases in the minimum wage since 2008 and tie the calculation methodology closer to the personal care rate. **[Exhibit F]**~~
- ~~1. Jerald Sharum, Director, Division of Provider Services and Quality Assurance, DHS~~
 - ~~2. Discussion and Action by the Committees~~
- ~~G. Arkansas Department of Human Services, Division of Medical Services, Review of Rule to increase the rates for Early Intervention Day Treatment (EIDT) and Adult Developmental Day Treatment (ADDT) services in the Medicaid program based on a rate review recommendation. As required by Executive Order 19-02 the rate review process was completed in July 2019 and recommended an increase of 11% for day habilitation services provided in EIDT and ADDT programs. State Plan Amendment (SPA-2020-0003) **[Exhibit G]**~~
- ~~1. Janet Mann, Director, Division of Medical Services, DHS~~
 - ~~2. Discussion and Action by the Committees~~
- ~~H. Arkansas Department of Human Services, Division of Medical Services, Review of Rule regarding Drug Utilization Review (DUR) requirements in Section 1004 of the Substance Use Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act. Also, known as the Support for Patients and Communities Act or the Support Act it seeks to reduce opioid related fraud, misuse, and abuse. State Plan Amendment (SPA-2019-002) **[Exhibit H]**~~
- ~~1. Janet Mann, Director, Division of Medical Services, DHS~~
 - ~~2. Discussion and Action by the Committees~~
- ~~I. Arkansas Department of Human Services, Division of Medical Services, Review of Rule which makes technical corrections including the removal of all references to the Provider Electronic Solutions (PES) software that was replaced by a Provider Portal system. The removal of the references to the PES software affects most of the provider manuals. **[Exhibit I]**~~
- ~~1. Janet Mann, Director, Division of Medical Services, DHS~~
 - ~~2. Discussion and Action by the Committees~~
- J. Arkansas Department of Human Services, Division of Medical Services, Review of Rule which revises the Personal Care Services rates based on a rate review completed on July 2019 and required by Executive Order 19-02. A 1.4% rate increase was recommended by the rate review. State Plan Amendment (SPA-2020-0012) **[Exhibit J]**
1. Janet Mann, Director, Division of Medical Services, DHS
 2. Discussion and Action by the Committees
- ~~K. Arkansas Department of Human Services, Division of Medical Services, Review of Rule which revises the vaccine administration fees based upon a rate review recommendation completed in July 2019. No rate increases have been given in 10 years to administer vaccines. The State Plan Amendment (SPA-2020-0005) increases the rates for physicians, nurse practitioners, ARKids B, and pharmacy programs to \$15 for administration of the influenza immunizations. The SPA increases rates for other Medicaid payable vaccines to \$13.14. **[Exhibit K]**~~
- ~~1. Janet Mann, Director, Division of Medical Services, DHS~~
 - ~~2. Discussion and Action by the Committees~~
- ~~L. Arkansas Department of Human Services, Division of Medical Services, Review of a Rule which revises the State Medicaid Plan to comply with section 1903(i) (27) of Title XIX of the Social Security Act as detailed in a letter from CMS. Medical Services Division intends to revise the maximum unit reimbursement rate for Durable Medical Equipment (DME). The rates will be set to comply with the Act and the fee schedule rates are the same for both governmental and private providers. **[Exhibit L]**~~
- ~~1. Janet Mann, Director, Division of Medical Services, DHS~~
 - ~~2. Discussion and Action by the Committees~~

- ~~M. Arkansas Department of Human Services, Division of Medical Services, Review of Rule which revises the State Medicaid Plan rates for physicians' evaluation and management services as required by Executive Order 19-02. A rate review was completed in January 2020 and rates have not increased in over 14 years. The rates shall increase for dates of service on or after July 1, 2020, and all rates shall be published on the agency's website. **[Exhibit M]**~~
- ~~1. Janet Mann, Director, Division of Medical Services, DHS~~
 - ~~2. Discussion and Action by the Committees~~
- ~~N. Arkansas Department of Human Services, Division of Developmental Disabilities Services, Review of Rule which establishes the eligibility criteria to receive services under the Children with Chronic Health Conditions. The rule contains eligibility criteria based on residency, medical diagnoses, age, and household income. **[Exhibit N]**~~
- ~~1. Melissa Stone, Director, Division of Developmental Disabilities Services~~
 - ~~2. Discussion and Action by the Committees~~
- ~~O. Arkansas Department of Health, Division, Center for Health Practice, Review of Rule which revises the rules for the administration of vital records by amending induced abortion reporting and death certificate registration process. **[Exhibit O]**~~
- ~~1. Laura Shue, JD, General Counsel, Arkansas Department of Health (ADH)~~
 - ~~2. Discussion and Action by the Committees~~
- ~~P. Arkansas Department of Health, Division of Health Related Boards and Commissions, Arkansas State Board of Examiners in Speech Language Pathology and Audiology. **[Exhibit P]**~~
- ~~1. Elizabeth Williams, CCC-SLP, Board Chair~~
 - ~~2. Matt Gilmore, Boards and Commission Coordinator, Arkansas Department of Health~~
 - ~~3. Discussion and Action by the Committees~~
- Q. Arkansas Energy and Environment Department, Office of the Chief Counsel, Review of Amendments to Rule 27 of the Arkansas Pollution and Ecology Commission which deals with licensing of operators of solid waste management facilities and training and certification requirements for environmental officers. **[Exhibit Q]**
1. Michael Grappe, Director of Special Projects, Arkansas Department of Energy and Environment
 2. Mike McAlister, JD, Associate Chief Counsel, Arkansas Department of Energy and Environment
 3. Discussion and Action by the Committees
- R. Buffalo River Conservation Committee (BRCC) Report **[Exhibit R]**
1. Wes Ward, BRCC, Chair and Secretary, Arkansas Department of Agriculture
 2. Discussion by the Committees
- S. Big Creek Research Project Report (Assessing the potential impact of a newly permitted and established concentrated hog feeding operation upstream from the Buffalo National River Watershed in an area with karst geology) **[Exhibit S]**
1. Mark Cochran, PhD, Vice President, University of Arkansas System, Division of Agriculture
 2. Andrew Sharpley, PhD, Distinguished Professor, Department of Crop, Soil, and Environmental Sciences
- ~~T. Arkansas Department of Energy and Environment, Division of Environmental Quality, Review of Rule which makes permanent the Prohibition of Issuance of new permits pursuant to Rule 5 for the operation of certain, defined size of Confined Animal Operation in the Buffalo National River Watershed. **[Exhibit T]**~~
- ~~1. Bob Blanz, PhD, Associate Director of Water for Division of Environmental Quality, Department of Energy and Environment~~
 - ~~2. Mike McAlister, JD, Associate Chief Counsel, Arkansas Department of Energy and Environment~~
- U. Arkansas Department of Energy and Environment, Division of Environmental Quality, Review of Rule 6 for state operation of the National Pollutant Discharge Elimination System (NPDES). The purpose of this rule is for the State to adopt rules necessary to qualify the State of Arkansas to receive authorization to implement the state water pollution control permitting program, in lieu of the federal NPDES program, pursuant to the Clean Water Act, 33 U.S.C. § 1251 et. Seq. To receive the authorization, it is necessary for the Division of Environmental Quality to have rules as stringent as the federal program administered by the US Environmental Protection Agency. **[Exhibit U]**

1. Bob Blanz, PhD, Associate Director of Water for Division of Environmental Quality, Department of Energy and Environment
2. Mike McAlister, JD, Associate Chief Counsel, Arkansas Department of Energy and Environment

V. Other Business: COVID-19 Update

1. Jennifer Dillaha, MD, State Epidemiologist, Arkansas Department of Health

W. Adjournment