

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

Monday, November 9, 2020
10:00 AM
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. 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

Committee meetings are open to the public. However, there is limited seating due to the social distancing requirements and members of the public shall wear a mask while in the Big Mac Building.

- A. Call to Order
- B. Comments by the Chairs
 - 1. Representative Jack Ladyman
 - 2. Senator Missy Irvin
- C. Consideration to Adopt the October 15, 2020 Meeting Minutes. **[Exhibit C]**
- D. Discussion of 5-G Network and what it means for the Healthcare Industry
 - 1. Joseph Sanford, MD, Director of Center for Digital Health, University of Arkansas for Medical Sciences (UAMS)
 - 2. Discussion by the Committees
- E. Discussion of COVID-19 Effects on Unemployment Insurance Employer Claims Charges for 2020
 - 1. Mike Preston, Cabinet Secretary, Department of Commerce
 - 2. Charisse Childers, PhD, Director, Division of Workforce Services, Department of Commerce
 - 3. Discussion by the Committees
- F. Department of Human Services (DHS), Division of Developmental Disabilities Services, Review of Rule which adds 600 slots to the existing Community & Employment Supports (CES) Home & Community Based Waiver pursuant to Act 775 of 2017 and 100 priority slots for children in the custody of the Division of Children and Family Services. **[EXHIBIT F]**
 - 1. Mark White, Chief Legislative & Intergovernmental Affairs Officer and Chief of Staff, DHS
 - 2. Melissa Stone, Director, Division of Developmental Disabilities Services, DHS
 - 3. Discussion 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'*.

- G. Department of Human Services (DHS), Division of County Operations, Review of a Rule which revises Medical Services Policy Manual B-700 Transitional Medicaid. This rule must be promulgated to ensure coverage for Transitional Medicaid which is required by 42 U.S.C. §1396-r. This program is for families who were previously receiving Parent/Caretaker Relative Medicaid coverage and lost it due to increased wages or increased hours of employment. **[EXHIBIT G]**
1. Mark White, Chief Legislative & Intergovernmental Affairs Officer and Chief of Staff, DHS
 2. Mary Franklin, Director, Division of County Operations, DHS
 3. Discussion by the Committees
- H. Department of Human Services (DHS), Division of Medical Services, Review of Rule Hyperalimentionation 1-19, Prosthetics 3-19, and State Plan Amendment 2020-0017. Medical Services is deleting specific brand names for nutritional formulas in Hyperalimentionation and Prosthetics Provider Manuals. This change will reduce the need for frequent rule revisions pertaining to nutritional formulae. In addition, the MIC-KEY brand name for Low-Profile button feeding tubes is being removed from the provider manuals and the Arkansas Medicaid State Plan. As part of an ongoing project, Medical Services is also removing references to vendors. **[EXHIBIT H]**
1. Mark White, Chief Legislative & Intergovernmental Affairs Officer and Chief of Staff, DHS
 2. Janet Mann, Director, Division of Medical Services, DHS
 3. Discussion by the Committees
- I. Department of Human Services (DHS), Division of Medical Services, Review of Rule which implements an electronic visit verification system. The basis and purpose of this rule is to implement an electronic visit verification (EVV) system for in-home personal care services, attendant care, respite services paid by Medicaid, as required by section 12006 of the 21st Century Cures Act (42 U.S.C. § 1396b(1)) compels the Arkansas Medicaid program to require all personal care providers to use EVV for in-home services on and after December 1, 2020. DHS has no way to implement this requirement except through promulgation of a rule. **[EXHIBIT I]**
1. Mark White, Chief Legislative & Intergovernmental Affairs Officer and Chief of Staff, DHS
 2. Janet Mann, Director, Division of Medical Services, DHS
 3. Discussion by the Committees
- J. Arkansas Department of Health (ADH), Division of Health Facility Services, Review of Rules for Critical Access Hospitals regarding licensing standards and related facilities. These amendments comply with Act 319 of 2019 to remove the word regulation; Act 620 of 2019 to report abortion complications; Act 889 of 2019 to improve plan review; and Act 977 of 2019 to report transfers of patients from the care of a lay midwife. The changes also, standardize ADH's TB prevention practices to follow CDC recommendations. **[EXHIBIT J]**
1. Laura Shue, JD, General Counsel, Arkansas Department of Health
 2. Discussion by the Committees
- K. Arkansas Department of Health (ADH), Division of Health Facility Services, Review of Rules for Hospitals and related institutions regarding licensing standards and related facilities. These amendments comply with Act 319 of 2019 to remove the word regulation; Act 620 of 2019 to report abortion complications; Act 889 of 2019 to improve plan review; Act 977 to report transfers of patients care of a lay midwife. The changes also, standardize the ADH's TB prevention practices to follow CDC recommendations. **[EXHIBIT K]**
1. Laura Shue, JD, General Counsel, Arkansas Department of Health
 2. Discussion by the Committees
- L. Arkansas Department of Health (ADH), Division of Health Facility Services, Review of Rules for Hospice regarding standards for licensed Hospice Agencies. These amendments added a definition of Advanced Practice Registered Nurse (APRN) and updated the language regarding TB prevention and included qualifications for dietary counselors. **[EXHIBIT L]**
1. Laura Shue, JD, General Counsel, Arkansas Department of Health
 2. Discussion by the Committees

M. Below are listed Interim Study Proposals (ISPs). The sponsor has been asked to present a brief explanation of their ISP and why it should be adopted for study by the committee. **[EXHIBIT M]**

1. Interim Study Proposal 2019-174 by Rep. Mary Bentley
Requesting House Committee on Public Health, Welfare and Labor study methods to increase healthcare choices and access to maternity, prenatal, postnatal, and reproductive healthcare by utilizing certified nurse midwives.
2. Interim Study Proposal 2019-174 by Rep. Fred Love
An act to authorize pharmacists to dispense HIV pre exposure and post exposure prophylaxis and for other purposes.
3. Interim Study Proposal 2019-175 by Sen. Missy Irvin
An act to modify the application process for certification to practice as an Orthotic Assistant, Orthotic/Prosthetic Assistant, or Prosthetic Assistant and for other purposes.
4. Interim Study Proposal 2019-176 by Sen. Kim Hammer
Requesting that the Senate Committee on Public Health, Welfare and Labor Study Removal of the Collaborative Practice Agreement Requirement of Advanced Practice Registered Nurses and Granting Advanced Practice Registered Nurses Full Practice Authority including Full Prescriptive Authority.

N. Other Business

O. Adjournment