

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

Wednesday, December 2, 2020
Upon Adjournment of House Organizational Meeting
Room A, MAC
Little Rock, Arkansas

Sen. Missy Irvin, Co-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. Senator Missy Irvin
 - 2. Representative Jack Ladyman
- C. Consideration to Adopt the November 30, 2020, Meeting Minutes. **[Exhibit C]**
- D. Arkansas Department of Health, Division of Health Related Boards and Commissions/State Board of Nursing, Review of Rules to Chapter 1 General Provisions, Chapter 2 Licensure: RN, LPN and LPTN, Chapter 4 Advanced Practice Registered Nurse, Chapter 6 Standards for Nursing Education Programs, Chapter 7 Rules of Procedure, Chapter 8 Medication Assistant-Certified, Chapter 9 Insulin and Glucagon Administration. **[Exhibit D]**
 - 1. Sue Tedford, MNsc, APRN, Director, Arkansas State Board of Nursing (ASBN)
 - 2. David Dawson, JD, General Counsel, Arkansas State Board of Nursing (ASBN)
 - 3. Discussion by the Committees
- E. Arkansas Department of Health, Division of Pharmacy Services, Review of a Rule which requires the Secretary of Health to revise and publish the list of controlled substances annually. Additional substances have been designated as a controlled substance or de-scheduled under federal law. **[Exhibit E]**
 - 1. Shane David, Pharm. D., Pharmacy Services Section Chief, Arkansas Department of Health (ADH)
 - 2. Laura Shue, JD, General Counsel, Arkansas Department of Health
 - 3. Discussion by the Committees
- F. Arkansas Department of Health, Health Facility Services, Review of Rules for Abortion Facilities. These rule changes are updated to comply with Act 315, Act 522, Act 620, Act 801, and Act 953 of 2019. These acts strike the word

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'.

“regulation,” and require amendments to include information about reversal of abortion-inducing drugs, right to know, report complications and perinatal palliative care. **[Exhibit F]**

1. Laura Shue, JD, General Counsel, Arkansas Department of Health
2. Discussion by the Committees

G. Arkansas Department of Human Services (DHS) Update on Activities in 2020

1. Cindy Gillespie, Secretary of the Department of Human Services

H. Arkansas Department of Human Services, Division of Medical Services, Review of Rule which Repeals Section V of the Medicaid Provider Manual. In conducting its continuing review of agency rules, DHS has determined that Section V does not require promulgation under the Arkansas Administrative Procedure Act §25-15-201 et. Seq. **[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. Arkansas Department of Human Services, Division of Developmental Disabilities Services, Review of Rule regarding the Early Intervention Day Treatment (EIDT) Medicaid Provider Manual being created to facilitate billing for EIDT services, bring language used up-to-date with current industry language, clarify available EIDT services, and establish the new rules relating to EIDT licensure and monitoring. **[Exhibit I]**

1. Mark White, Chief Legislative & Intergovernmental Affairs Officer and Chief of Staff, DHS
2. Melissa Stone, Director, Division of Developmental Disabilities, DHS
3. Discussion by the Committees

J. Arkansas Department of Human Services, Division of Developmental Disabilities Services, Review of Rule regarding the Adult Developmental Day Treatment (ADDT) Medicaid Provider Manual and the Arkansas Medicaid State Plan. These rules are being updated and the rules for the Division of Developmental Disabilities Adult Development Day Treatment are being created to facilitate billing for ADDT services, bring language used up-to-date with current industry language, clarify ADDT services and establish the new rules relating to ADDT licensure and monitoring. SPA # 2020-0020. **[Exhibit J]**

1. Mark White, Chief Legislative & Intergovernmental Affairs Officer and Chief of Staff, DHS
2. Melissa Stone, Director, Division of Developmental Disabilities, DHS
3. Discussion by the Committees

K. Arkansas Department of Human Services, Division of Medical Services, Review of Rule regarding two Children’s Health Insurance Program (CHIP) State Plan Amendments. The first amendment is necessary to update the CHIP State Plan to clarify that a small number of ARKids-B beneficiaries with a higher level of care needs due to behavioral health or developmental disability diagnoses will receive services from a Provider led Arkansas Shared Savings Entity (PASSE) rather than through fee-for-service. The second amendment is necessary to comply with the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act by providing assurances that the CHIP State Plan does not impose financial requirements on benefits and limitations on benefits are not more restrictive for mental health or substance use disorders than the requirements and limitations for medical and surgical benefits. **[Exhibit K]**

1. Mark White, Chief Legislative & Intergovernmental Affairs Officer, DHS
2. Janet Mann, Director, Division of Medical Services, DHS
3. Discussion by the Committees

L. Arkansas Department of Human Services, Division of Developmental Disabilities, Review of Rule to reflect current procedural terminology and evaluation limits for occupation, physical and speech-language therapy services. Other revisions are needed to reflect current practices and guidelines. State Plan Amendment 2020-0021. **[Exhibit L]**

1. Mark White, Chief Legislative & Intergovernmental Affairs Officer, DHS
2. Janet Mann, Director, Division of Medical Services, DHS
3. Melissa Stone, Director, Division of Developmental Disabilities, DHS
4. Discussion by the Committees

M. Arkansas Department of Human Services, Division of Medical Services, Review of Rule pertaining to Community Support System Provider Standards. DHS is proposing two overall changes 1) creating a new Arkansas Medicaid

provider type and certification called Community Support System Provider and 2) updating rules to create a path forward for a crisis continuum of services to support the providers' work. **[Exhibit M]**

1. Mark White, Chief Legislative & Intergovernmental Affairs Officer, DHS
2. Janet Mann, Director, Division of Medical Services, DHS
3. Melissa Stone, Director, Division of Developmental Disabilities
4. Discussion by the Committees

N. Arkansas Department of Human Services, Division of Medical Services, Review of Rule which changes the way appeals and evaluations are handled for Long Term Care and Home and Community Based (HCBS) waiver programs. ARChoices 1-20, LCAL 1-20, PERSCARE 3-20, ARChoices and Living Choices Waiver Amendments, and Medical Services Policy c-265, I-630, I640, L-120. **[Exhibit N]**

1. Mark White, Chief Legislative & Intergovernmental Affairs Officer, DHS
2. Mary Franklin, Director, Division of County Operations, DHS
3. Jay Hill, Director, Division of Aging, Adult, and Behavioral Health Services, DHS
4. Discussion by the Committees

O. Arkansas Department of Human Services, Division of Medical Services, Review of Rule in an effort to fill gaps and improve continuity of behavioral health services by adding a new section in the Arkansas Medicaid Provider Manual to define the operation of Acute Crisis Units in the Hospital and Critical Access Hospital settings. **[Exhibit O]**

1. Mark White, Chief Legislative & Intergovernmental Affairs Officer, DHS
2. Janet Mann, Director, Division of Medical Services, DHS
3. Discussion by the Committees

P. Arkansas Department of Human Services, Division of Medical Services, Review of Rule regarding Physicians Evaluation & Management Code Rates will adjust the Medicaid maximum unit reimbursement rate by an increase of 3% effective on or after January 1, 2021 subject to the routine rate study performed by Division of Medical Services in the fall of 2019. State Plan Amendment 20-0023. **[Exhibit P]**

1. Mark White, Chief Legislative & Intergovernmental Affairs Officer, DHS
2. Janet Mann, Director, Division of Medical Services, DHS
3. Discussion by the Committees

Q. Arkansas Department of Human Services, Division of Medical Services, Review of Rule which increases the Medicaid Personal Care Rates by 13.72% effective January 1, 2021. State Plan Amendment 2020-0022. **[Exhibit Q]**

1. Mark White, Chief Legislative & Intergovernmental Affairs Officer, DHS
2. Janet Mann, Director, Division of Medical Services, DHS
3. Discussion by the Committees

R. Below are listed the Interim Study Proposals (ISPs) which recently have been referred to the House and Senate Public Health, Welfare and Labor Committees. The sponsors have been asked to present a brief explanation of their ISP and why it should be adopted for study by the committee. **[Exhibit R-1 and R-2]**

1. Interim Study Proposal 2019-174 by Representative Fredrick Love
To authorize pharmacists to dispense HIV pre-exposure and post-exposure prophylaxis.
2. Interim Study Proposal 2019-186 by Senator Scott Flippo
To authorize pharmacists to prescribe and monitor medications; and for other purposes.

S. Prevention of Unplanned Pregnancy on Campus and the Prevention of Sexual Assault on Campus Annual Status Reports (Act 943 of 2015 and 563 of 2017) **[Exhibit S]**

1. Ann Clemmer, Assistant Director for Government Relations, Arkansas Department of Education, Division of Higher Education
2. Discussion by the Committees

T. Other Business

U. Adjournment