

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

Monday, April 4, 2022
9:00 AM
Room A, MAC
Little Rock, Arkansas

Sen. Cecile Bledsoe, Chair
Sen. Scott Flippo, Vice-Chair
Sen. Bart Hester
Sen. David Wallace
Sen. Breanne Davis
Sen. Kim Hammer
Sen. Dan Sullivan
Sen. Ben Gilmore

Rep. Jack Ladyman, Chair
Rep. Deborah Ferguson, Vice-Chair
Rep. Jeff Wardlaw
Rep. Jon S. Eubanks
Rep. Stephen Magie
Rep. Jim Dotson
Rep. Josh Miller
Rep. John Payton
Rep. Mary Bentley
Rep. Michelle Gray

Rep. Justin Gonzales
Rep. Justin Boyd
Rep. Fred Allen
Rep. Bruce Coleman
Rep. Aaron Pilkington
Rep. Carlton Wing
Rep. Clint Penzo
Rep. Mark Perry
Rep. Marsh Davis
Rep. Joe Cloud

- A. Call to Order
- B. Comments by the Chairs
- C. Consideration to Approve the February 7, 2022, Meeting Minutes **[Exhibit C]**
- D. Arkansas Department of Energy & Environment, Division of Environmental Quality, Review of Rule 2 which establishes water quality standards for surface waters of the state. The proposed changes are necessary to ensure that waters of the state are maintained and protected in accordance with the Clean Water Act and the Arkansas Water and Air Pollution Control Act. The proposed amendment makes changes consistent with Act 910 and 315 of 2019. **[Exhibit D]**
 - 1. Alan York, Associate Director, Office of Water Quality
 - 2. Basil Hicks, Attorney Specialist, Department of Energy & Environment
- E. Arkansas Department of Energy & Environment, Division of Environmental Quality, Review of Rule 19 regarding Arkansas Plan of Implementation for Air Pollution Control. The proposed amendments to Rule 19 are necessary to update certain outdated references to federal law, remove obsolete provisions, and adopt standards of performance for municipal solid waste landfills as required under federal law. **[Exhibit E]**
 - Michael McAlister, Managing Attorney, Department of Energy & Environment
- F. Arkansas Department of Human Services (DHS), Division of Medical Services, Review of Rule which allows Arkansas Medicaid to join a Preferred Drug List (PDL) pool to maximize higher supplemental rebates from manufacturers due to buying power as more states participate and value-based and outcomes-based purchasing agreements are recommended by our federal partners as ways to realize savings and promote quality of care. **[Exhibit F]**
 - 1. Mark White, Deputy Director and Chief of Staff, Legal, and Legislative Affairs, DHS
 - 2. Elizabeth Pitman, Director of the Division of Medical Services, DHS

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. Arkansas Department of Human Services, Division of Medical Services, Review of Rule which increases the number of Primary Care Physician (PCP) visits for Medicaid clients from 12 to 16 and recognizes Advanced Practice Registered Nurses (APRN) as Primary Care Providers. **[Exhibit G]**
1. Mark White, Deputy Director and Chief of Staff, Legal, and Legislative Affairs, DHS
 2. Elizabeth Pitman, Director of the Division of Medical Services
- H. Arkansas Department of Human Services, Division of Medical Services, Review of Rule which implements Act 830 of 2021 which requires certain reimbursement rates for Vagus Nerve Stimulation. **[Exhibit H]**
1. Mark White, Deputy Director and Chief of Staff, Legal, and Legislative Affairs, DHS
 2. Elizabeth Pitman, Director of the Division of Medical Services, DHS
- I. Arkansas Department of Health (ADH), State Board of Nursing, Review of Rules dealing with Chapter 2, Licensure, Chapter 3, Registered Nurse Practitioner, Chapter 4, Advanced Practice Registered Nurse, Chapter 6, Standards for Nursing Education Programs, Chapter 8, Medication Assistant-Certified. **[Exhibits I1-I5]**
1. Sue A. Tedford, MNSc, APRN, Director, Arkansas State Board of Nursing, ADH
 2. David Dawson, JD, General Counsel, Arkansas State Board of Nursing, ADH
 3. Matt Gilmore, Boards and Commission Coordinator, ADH
- J. Arkansas Department of Health (ADH), State Board of Nursing, Review of Rule dealing with Chapter 11, Full Independent Practice Committee. **[Exhibit J]**
1. Amy Embry, Director, ADH Medical Board
 2. Sue A. Tedford, MNSc, APRN, Director, Arkansas State Board of Nursing, ADH
 3. Matt Gilmore, Boards and Commission Coordinator, ADH
- K. Arkansas Department of Health (ADH), Health Systems Branch, Review of Rule which establishes minimum standards for licensure of Perfusionists in Arkansas. This rule change is to comply with Acts 135 & 725 of 2021. **[Exhibit K]**
1. Beth Williams, Branch Chief, ADH
 2. Paula Day, Health Facility Services Section Chief, ADH
 3. Chuck Thompson, Managing Attorney, ADH
- L. Arkansas Department of Health (ADH), Health Systems Branch, Review of Rule which protects the health and safety of individuals receiving Orthotic, Prosthetic, or Pedorthic services in Arkansas. This rule change is to comply with Acts 135, 445, 725, & 881 of 2021. **[Exhibit L]**
1. Beth Williams, Branch Chief, ADH
 2. Paula Day, Health Facility Services Section Chief, ADH
 3. Chuck Thompson, Managing Attorney, ADH
- M. Arkansas Department of Health (ADH), Health Systems Branch, Review of Rule which establishes minimum standards for licensure of Hospitals in Arkansas. This rule change is to comply with Acts 226, 311, 440, 449, 598, 949, and 1055 of 2021. **[Exhibit M]**
1. Beth Williams, Branch Chief, ADH
 2. Paula Day, Health Facility Services Section Chief, ADH
 3. Chuck Thompson, Managing Attorney, ADH
- N. Arkansas Department of Health (ADH), Health Systems Branch, Review of Rule which establishes criteria for minimum standards for licensure, operation, and maintenance of Free-Standing Birthing Centers. This rule change is to comply with Acts 598 and 607 of 2021. **[Exhibit N]**
1. Beth Williams, Branch Chief, ADH
 2. Paula Day, Health Facility Services Section Chief, ADH
 3. Chuck Thompson, Managing Attorney, ADH
- O. Arkansas Department of Health (ADH), Health Systems Branch, Review of Rule for Critical Access Hospitals. This rule adds a requirement for pulse oximetry screening in newborns and makes changes to comply with Acts 226, 311, 440, 449, 598, 949, and 1055 of 2021. It also updates the grievance process. **[Exhibit O]**
1. Beth Williams, Branch Chief, ADH
 2. Paula Day, Health Facility Services Section Chief, ADH
 3. Chuck Thompson, Managing Attorney, ADH

- P. Arkansas Department of Health (ADH), Office of Preparedness & Emergency Response Systems, Review of Rule for Emergency Medical Services. This rule provides a framework to enhance the care provided to the ill or injured by Emergency Medical Services Personnel. This rule change is to comply with Acts 135, 707, 725, 790, 811, and 827 of 2021. **A portion of this rule was enacted as an Emergency Rule October 2, 2021. [Exhibit P]**
1. Christy Kresse, EMS Section Chief, ADH
 2. Laura Shue, General Counsel, ADH
- Q. Arkansas Department of Health (ADH), Center for Public Health Practice, Review of Rule for the administration of vital records. This rule amends the induced abortion report and timeline for embalming a dead body to comply with Acts 560, 787, and 132 of 2021. **[Exhibit Q]**
1. Lynda Lehing, Health Statistics Branch Chief, ADH
 2. Laura Shue, General Counsel, ADH
- R. Arkansas Department of Health (ADH), Environmental Health Branch, Review of Rule which establishes minimum standards for the design and construction of onsite wastewater systems. This rule change is to comply with Acts 135 and 725 of 2021. **[Exhibit R]**
1. Terry Paul, Environmental Health Branch Chief, ADH
 2. Laura Shue, General Counsel, ADH
- S. Arkansas Department of Health (ADH), Environmental Health Branch, Review of Rule prescribing qualifications, examination, and licensing of master plumbers and journeyman plumbers and for registration of apprentice plumbers. This rule change is to comply with Acts 135 and 725 of 2021. **[Exhibit S]**
1. Terry Paul, Environmental Health Branch Chief, ADH
 2. Laura Shue, General Counsel, ADH
- T. Arkansas Department of Health (ADH), Environmental Health Branch, Review of Rule which ensures that Gas Fitters are properly trained under a Supervisor Gas Fitter in Arkansas. This rule makes miscellaneous corrections to references and descriptions, updates definitions for clarification, and clarifies that licenses are not transferable. **[Exhibit T]**
1. Terry Paul, Environmental Health Branch Chief, ADH
 2. Laura Shue, General Counsel, ADH
- U. Arkansas Department of Health (ADH), Pharmacy Services Section, Review of Rule of list of Controlled Substances. This rule is revised annually to provide for additions and deletions, and excludes FDA-approved drug from Schedule VI to comply with Act 514 of 2021. **[Exhibit U]**
1. Shane David, Pharmacy Services Section Chief, ADH
 2. Laura Shue, General Counsel, ADH
- V. Below are listed the Interim Study Proposals (ISPs) referred to the House and Senate Public Health, Welfare and Labor Committees since August 2021. The sponsors have been asked to present a brief explanation of their ISP and why it should be adopted for study by the committees. After adoption for study, the chairs of the House and Senate Public Health, Welfare and Labor Committees will assign each ISP to a subcommittee for further discussion if needed. **[Exhibit V]**
- ISP 2021-113 by Senator Sullivan - An Act to Modify the Definition of "Ophthalmic Dispensing" to include the Dispensing of Contact Lenses; and for other purposes.
- W. Other Business
- X. Adjournment