

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

Monday, May 2, 2022
10:00 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 April 4, 2022, Meeting Minutes **[Exhibit C]**
- D. Status Update on the COVID-19 Variants
1. José R. Romero, MD, Secretary, Arkansas Department of Health (ADH)
 2. Jennifer Dillaha, MD, Chief Medical Officer, Arkansas Department of Health (ADH)
- E. Arkansas Department of Human Services (DHS), Division of County Operations, Review of Rule which amends the Medical Services Policy Sections A and H to incorporate the legislative changes made by Act 530 and 570 of 2021 as well as make technical and grammatical changes. Medical Services Policy Section A-116, H-100, H-400, H-600 and H-700. **[Exhibit E]**
1. Mark White, Deputy Director and Chief of Staff, Legal, and Legislative Affairs, DHS
 2. Mary Franklin, Director of the Division of County Operations, DHS
- F. Arkansas Department of Human Services (DHS), Division of Medical Services, Review of Rule which amends the Medicaid State Plan and the Transportation Medical Provider Manual to comply with Act 444 of 2021. The term nonemergency ambulance service is removed from the exception to emergency medical transportation access payments. Non-emergency ambulance transport payments. **[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
- G. Arkansas Department of Human Services (DHS), Division of Medical Services, Review of Rule which amends the Medicaid State Plan and the Pharmacy Manual to comply with Acts 406, 407, 408, and 503 of 2021. The Arkansas Medicaid Program will allow pharmacists to enroll individually as atypical providers to prescribe and administer specific drugs as well as test and screen for certain health conditions. Pharmacy Update 3-21 and SPA #2022-0001. **[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, 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'.

- H. Arkansas Department of Human Services (DHS), Division of Medical Services, Review of Rule which amends the Outpatient Behavioral Health Services Manual and the School-Based Mental Health Services Manual to comply with Act 886 of 2021. Act 886 allows a beneficiary to receive the first ten (10) visits for mental health counseling without a referral from a primary care provider. Outpatient Behavioral Health Services (OBHS) and School Based Mental Health Services (SBMHS) Manuals. **[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 Human Services (DHS), Division of Medical Services, Review of Rule which implements the changes made in Act 891 of 2021. Act 891 of 2021 modifies the annual cap on diagnostic laboratory services in the Medicaid program. The existing Medicaid cap is five hundred dollars (\$500) for diagnostic laboratory procedures, including radiology services. Grouping radiology and diagnostic laboratory procedures within the same cap reduces the services a Medicaid beneficiary can receive. Act 891 of 2021 reduces the disparity in services by requiring a separate annual cap for each group and creating an exception for essential health benefit procedures. Diagnostic laboratory services now have an annual cap of five hundred dollars (\$500), and radiology services have a separate annual cap of five hundred dollars (\$500). Any laboratory or diagnostic procedure that is an essential health benefit will not count towards either annual cap. Medicaid Limits on Lab/Radiology. **[Exhibit I]**
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
- J. Arkansas Department of Human Services (DHS), Division of Medical Services, Review of Rule which amends the provider manuals to implement Act 637 of 2021 and the State Medicaid Plan Amendment. The amendments authorize the use of off-label drug treatments to treat Medicaid beneficiaries with Pediatric Acute-Onset Neuropsychiatric Syndrome (PANS) and Pediatric Autoimmune Neuropsychiatric Disorders Associated with Streptococcal Infection (PANDAS). Hospital, Physician and Nurse Practitioner Manuals and SPA to add PANS/PANDAS Treatment. **[Exhibit J]**
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
- K. Arkansas Department of Human Services (DHS), Division of Provider Services and Quality Assurance, Review of Rule which implements Act 760 of 2021. Act 760 of 2021 allows outpatient behavioral health agencies to co-locate with other facility types, including adjunct and collocated sites such as schools, day care facilities, long-term care facilities, or the office or clinic of a physician or psychologist. Behavioral Health Agency Certification Manual Update pursuant to Act 760. **[Exhibit K]**
1. Mark White, Deputy Director and Chief of Staff, Legal and Legislative Affairs, DHS
 2. Martina Smith, Director of the Division of Provider Services and Quality Assurance, DHS
- L. Arkansas Department of Human Services (DHS), Division of Provider Services and Quality Assurance, Review of Rule which implements the provisions of Act 717 of 2021 to clarify the requirements for registry records and criminal background checks for in-home caregivers of Medicaid beneficiaries. In-home Caregiver Background Checks. **[Exhibit L]**
1. Mark White, Deputy Director and Chief of Staff, Legal and Legislative Affairs, DHS
 2. Martina Smith, Director of the Division of Provider Services and Quality Assurance, DHS
- M. Arkansas Department of Human Services (DHS), Division of Provider Services and Quality Assurance, Review of Rule which implements the provisions of Act 725 of 2021 which amends the following manuals; Rules for Licensure of Nursing Home Administrators in Arkansas and the Rules for the Arkansas Long Term Care Facility Nursing Assistant Training Program. Act 725 creates the Workforce Expansion Act of 2021, which allows fee waivers for certain individuals. Waiver of Licensure Fees-Act 725. **[Exhibit M]**
1. Mark White, Deputy Director and Chief of Staff, Legal and Legislative Affairs, DHS
 2. Martina Smith, Director of the Division of Provider Services and Quality Assurance, DHS

- N. Arkansas Department of Human Services (DHS), Division of Provider Services and Quality Assurance, Review of Rule which implements the provisions of Act 721 of 2021. This act requires the amending the Rules for Assisted Living Facilities Level 1, Rules for Assisted Living Facilities Level 2, and Rules for Nursing Homes. LTC Facility Licensure and Change of Ownership, and Medication Assistant. **[Exhibit N]**
1. Mark White, Deputy Director and Chief of Staff, Legal and Legislative Affairs, DHS
 2. Martina Smith, Director of the Division of Provider Services and Quality Assurance, DHS
- O. Arkansas Department of Human Services (DHS), Division of Provider Services and Quality Assurance, Review of Rule which implements the provisions of Act 905 of 2021. Act 905 of 2021 revises the definitions in the Rules and Regulation for Adult Day Care Providers which provide that a long term care facility does not include an adult day care program that provides care and supervision to meet the needs of twelve (12) or fewer functionally impaired adults at any time in a place other than the adult's home or providers services to clients for periods of (4) hours or less per day for no more than two (2) days per week. The rule defines Long-term Care Facility Resident Maltreatment Act and defines the program director. Definition of Long-Term Care Facility. **[Exhibit O]**
1. Mark White, Deputy Director and Chief of Staff, Legal and Legislative Affairs, DHS
 2. Martina Smith, Director of the Division of Provider Services and Quality Assurance, DHS
- P. Arkansas Department of Health (ADH), Arkansas Kidney Disease Commission, Review of Rule which outlines the rules of operation for the Arkansas Kidney Disease Commission. This rule implements 910 of 2019. **[Exhibit P]**
- Charles (Chuck) Thompson, Managing Attorney, ADH
- Q. Arkansas Department of Health (ADH), Division of Radiation Control and Emergency Management, Review of Rule which licenses individuals who apply ionizing radiation to humans for medical purposes such as x-ray equipment and nuclear medicine procedures. They also license radiologic technologists with national professional credentials and medical staff who have passed national examinations allowing them to take limited radiographs. This rule implements Acts 135, 725, 746, and 811 of 2021. **[Exhibit Q]**
1. Bernard (Bernie) Bevill, Radiation Control Section Chief, ADH
 2. Chuck Thompson, Managing Attorney, ADH
- R. Review of the Arkansas Tobacco Settlement Commission (ATSC) Quarterly Report for July-September 2021. **[Exhibit R] [Handout 1]**
- Emily Lane, Project Director for the Arkansas Tobacco Settlement Commission Evaluations, University of Central Arkansas
- S. Other Business
- T. Adjournment