

## MINUTES

### HOUSE & SENATE INTERIM COMMITTEES ON PUBLIC HEALTH, WELFARE AND LABOR

January 8, 2018  
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The House and Senate Interim Committees on Public Health, Welfare and Labor met Monday, January 8, 2018, at 10:00 a.m. in Committee Room B, MAC Building, Little Rock, Arkansas.

**Public Health Senate Members Attending:** Senators Cecile Bledsoe, Chair; John Cooper, Lance Eads, Stephanie Flowers, and Missy Irvin.

**Public Health House Members Attending:** Representatives Jeff Wardlaw, Chair; Deborah Ferguson, Vice Chair; Mary Bentley, Justin Boyd, Bruce Coleman, Justin Gonzales, Kim Hammer, Ken Henderson, Jack Ladyman, Robin Lundstrum, Stephen Magie, David Meeks, John Payton, Aaron Pilkington, and Chris Richey.

**Other Legislators Attending:** Senators None. Representatives Gary Deffenbaugh, Jon Eubanks, Charlene Fite, Roger Lynch, and Dan Sullivan.

#### **Comments by the Chairs**

Representative Jeff Wardlaw called the meeting to order. Senator Cecile Bledsoe reminded members of the special “Stop the Bleed Training” program, scheduled for February 28, 2018, and it is for legislators only.

Representative Wardlaw reminded members that Cindy Gillespie, Director of the Department of Human Services will attend the February 5, 2018 Public Health meeting.

#### **Consideration to Adopt the December 4, 2017 Minutes (EXHIBIT C)**

Without objection, the December 4, 2017 meeting minutes were adopted.

#### **Healthy Active Arkansas Update: Capitol GO Healthy Hydration Challenge**

Joe Thompson, MD, MPH, Director, Arkansas Center for Health Improvement; presented a brief update on the accomplishments and events of *The Healthy Active Arkansas Initiative*. The Healthy Active Arkansas Initiative is now a non-profit organization and is beginning its third year of operation. As a non-profit organization, it is eligible to apply for national grants and other resourceful opportunities.

Dr. Thompson also discussed the Arkansas All-Payer Claims Database (APCD) and stated that it is now fully operational.

#### **Arkansas Tobacco Settlement Commission, Review of Quarterly Report (Section 3 of Act 58 of 2017) April 1 2017, through June 30, 2017 (HANDOUT)**

Matt Gilmore, Executive Director, Arkansas Tobacco Settlement Commission, presented the quarterly report. Mr. Gilmore summarized the progress and updates of each program that is funded by the Arkansas Tobacco Settlement Commission.

Representative Wardlaw stated that without objection this report will stand as reviewed.

Representative Wardlaw stated that the following two items will not be presented today:

**Report from the Senate and House Health Services Subcommittee Regarding the December 19, 2017 Meeting of the Subcommittee on Representative Magie’s Interim Study Proposal 2017-007 “An Act to Allow Pharmacists to Make Biological Product Substitutions; and for Other Purposes”**

*And*

**Department of Human Services, Division of Developmental Disabilities Services, Review of Rule to Provide a Separate Certification, Investigation and Monitoring Policy for the DDS HCBS (Health & Community-Based Services) Waiver and First Connections program. DDS Policy #1091 Will Only Apply to HCBS Waiver Program; and the New DDS Policy #1092 Will Apply to First Connections Program (EXHIBIT G)**

**Department of Human Services, Division of Developmental Disabilities Services (DDS), Review of Rule Updating Policy 1087 to Conform to Federal and State Law and Repealing Duplicative Policy. Establishes Standards for Conducting Criminal Record Checks for Employees of DDS Providers (EXHIBIT H)**

Melissa Stone, Director, Division of Developmental Disabilities Services, and Craig Cloud, Director, Division of Provider Support & Quality Assurance, both with the Department of Human Services; presented the proposed changes to this rule.

Some of the proposed changes are minor and will correct typos and formatting. These changes will also bring DDS Policy #1087 into conformation with federal and state laws on conducting criminal records checks on employees of DDS providers.

Representative Wardlaw stated that without objection this rule will stand as reviewed.

**Department of Human Services, Division of Developmental Disabilities Services, Review of Rule Updating Policy 1035 Which is Definition of Developmental Disabilities to Match Language of A.C.A. 20-48-101 (EXHIBIT I)**

Melissa Stone, Director, Division of Developmental Disabilities Services, Department of Human Services, presented the proposed rule change. This proposed change will bring Policy #1035 in line with Arkansas Code Ann. § 20-48-101.

Representative Wardlaw stated that without objection this rule will stand as reviewed.

**Department of Human Services, Division of County Operations, Review of Rule Which Changes Arkansas from a “Determination” State to an “Assessment” State and to Remove the Process of Using Projected Income to Determine Medicaid Eligibility (EXHIBIT J)**

Dave Mills, Program Administrator, Division of County Operations, Department of Human Services, presented these proposed rule changes, which will switch Arkansas from a “determination” state to an “assessment” state, remove the process of using projected income to determine Medicaid eligibility.

This rule requires CMS (Centers for Medicare and Medicaid Services) approval. The proposed effective date is February 1, 2018.

Representative Wardlaw stated that without objection this rule will stand as reviewed.

**Arkansas Department of Health, Center of Public Health Protection, Health Facilities Section, Review of Rules & Regulations for Abortion Facilities in Arkansas for the Disposition of Fetal Tissue. This was put in place by Emergency Rule in November, 2017 (EXHIBIT K)**

Robert Brech, JD, General Counsel, Arkansas Department of Health; presented this proposed rule change, and this change will require fetal tissue has to be handled in the same manner as a dead body is handled.

Representative Wardlaw stated that without objection this rule will stand as reviewed.

**Arkansas Department of Health, Centers for Health Protection/Pharmacy Services, Review of Rules & Regulations Pertaining to the Adding Substances to the Controlled Substance List that the U.S. Drug Enforcement Agency (DEA) Listed or the State Crime Laboratory Requested (EXHIBIT L)**

Robert Brech, JD, General Counsel, Arkansas Department of Health; presented this proposed rule change. The addition of more substances to the controlled substance list is at the request of the Drug Enforcement Agency (DEA) and/or the Arkansas State Crime Laboratory.

Representative Wardlaw stated that without objection this rule will stand as reviewed.

**Report Filed with the House & Senate Public Health, Welfare & Labor Committees (EXHIBIT M):**

Annual Report Required by Act 943 of 2015 Which Requires the Arkansas Higher Education Coordinating Board to Develop an Action Plan to Address Unplanned Pregnancies on College Campuses among Young Adults.

Representative Wardlaw stated that the annual report required to be submitted to the Public Health Committee from the Arkansas Higher Education Coordinating Board, by Act 943, 2015; has been given to each committee member. Please read this report and if you have any questions, please submit them to committee staff so they can be answered at the next meeting.

The meeting adjourned at 10:45 a.m.