

MINUTES

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

November 6, 2017

The House and Senate Interim Committees on Public Health, Welfare and Labor met Monday, November 6, 2017, at 10:00 a.m. in Committee Room A, MAC Building, Little Rock, Arkansas.

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

Public Health House Members Attending: Representatives Jeff Wardlaw, Chair; Deborah Ferguson, Vice Chair; Bruce Coleman, Kim Hammer, Ken Henderson, Jack Ladyman, Fredrick Love, Robin Lundstrum, Stephen Magie, David Meeks, Josh Miller, and Aron Pilkington.

Other Legislators Attending: Senators Linda Chesterfield, Alan Clark, Jonathan Dismang, and Trent Garner. Representatives Fred Allen, Charles Blake, Jon Eubanks, Kenneth Ferguson, Vivian Flowers, Jack Fortner, Bob Johnson, Mark McElroy, Marcus Richmond, and Laurie Rushing.

Comments by the Chairs

Representative Jeff Wardlaw stated that the additional information on the ‘Stop the Bleed’ program that was requested by members at the previous public health meeting, is now being distributed.

Consideration to Adopt the October 9 and 10, 2017 Minutes (EXHIBITS B and B-1)

Without objection, the October 9 and 10, 2017 meeting minutes were adopted.

Hazards of Burning Agricultural Fields after Harvest (Handouts 1 and 2)

Senator John Cooper introduced Warren A. Skaug, M.D., Children’s Clinic, Jonesboro, Arkansas, who presented this issue. Dr. Skaug stated that in Arkansas one million acres are sowed in rice annually. After harvesting the rice in the fall of the year, there are one million acres of rice stubble to dispose of, and the current preferred, most economical method of managing disposal of the rice stubble is to burn off the stubble. Dr. Skaug presented the following facts:

- ◆ Rice stubble burning is unregulated and unmonitored
- ◆ Other disposal methods
 - tilling the stubble under at \$15 per acre—usually takes 2-5 passes to completely till it under
 - Sometimes it is necessary to both burn and till
- ◆ Disposal of rice stubble is expensive
 - Rice farmers are already feeling financial stress because the world market price has been decreasing over the past 5 years
- ◆ The number of acres to be planted in rice this year are the lowest in 30 years

ADEQ (Arkansas Department of Environmental Quality) has no enforcement powers over agriculture burning. Burn bans do not apply to farmers and there are no incentives to refrain from or to regulate burning.

Toxins contained in agriculture smoke are:

- ◆ Carbon monoxide,
- ◆ Nitrous oxides,
- ◆ ammonia,
- ◆ ozone,
- ◆ sulfur dioxide
- ◆ Methane
- ◆ Particulate carbon (PM 2.5-PM 10)+

Effects of Particulate Carbon from EPA (Environmental Protection Agency) findings:

- ◆ Increases frequency/severity of respiratory infections
- ◆ Exacerbates wheezing in asthmatics
- ◆ Increases the risk of heart attacks
- ◆ Decreases oxygen in individuals with chronic COPD/emphysema, thereby worsening breathing

Reducing this serious health risk with the least pain for farmers and taxpayers will require 3 elements: monitoring, innovation, and regulation. Dr. Skaug described how other states are handling this problem, and suggested that some of the methods may work for Arkansas.

Representative Wardlaw thanked Dr. Skaug for his presentation and for bringing this information to the committee's attention.

Arkansas State Board of Nursing (ASBN), Review of Rule Changes to Several Chapters and Provisions of the State Board of Nursing Rules Which Includes: Chapter One – General Provisions, Chapter Two – Licensure (RN, LPN, and LPTN), Chapter Four – Advanced Practice Registered Nurse, Chapter Six – Standards for Nursing Education Programs, Chapter Seven – Rules of Procedure, and Chapter Ten – Alternative to Discipline (EXHIBIT D)

Sue A. Tedford, MNsc, APRN, Executive Director, Arkansas State Board of Nursing, and Fred Knight, General Counsel, Arkansas State Board of Nursing; presented these proposed rule changes.

After much discussion, Senate Bledsoe asked if these proposed rule changes could be held for review until the next public health meeting. Sue Tedford said she will bring them back next month.

Arkansas Department of Health (ADH), Center of Public Health Practice, Review of Rules and Regulations for the Administration of Vital Records, Amending the Registration and Reporting of Spontaneous Fetal Death (EXHIBIT E)

Robert Brech, Chief Counsel, Arkansas Department of Health, presented this proposed rule change. This proposed rule change amends the registration and reporting of spontaneous fetal death. It is non-controversial and there is no financial impact.

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

Arkansas Department of Health, Emergency Medical Services (EMS), Review of Rules and Regulations for Emergency Medical Services, Adding the Tiered EMS Response System and the Addition of the Emergency Vehicle Operator Position (EXHIBIT F)

Robert Brech, Chief Counsel, Arkansas Department of Health, presented this proposed rule change. This proposed rule lowers the requirements for drivers of certain ambulances. The second change to this rule is adding a tiered response protocol.

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

Arkansas Department of Health, Center for Health Advancement, Review of Rules Regulating the Practice of Licensed Lay Midwifery (EXHIBIT G)

Robert Brech, Chief Counsel, Joni Yarnell, Certified Nurse Midwife, and Dr. Namvar Zohoori, MD, MPH, PhD, Chief Science Officer, all with the Arkansas Department of Health; presented this proposed rule change. Mr. Brech explained the reasons for these proposed changes.

Dr. Zohoori stated that the rules and regulations governing the practice of Lay Midwifery in Arkansas were last revised in 2007, and explained the main changes to the Lay Midwifery rules. Ms. Yarnell explained the difference between a certified midwife and a lay midwife, with respect to their education and permitted scope of practice.

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

Arkansas Department of Human Services (DHS), Medical Services Division, Review of Rule Regarding Patient Centered Medical Home (PCMH) 2-17 and Section V-4-17 (EXHIBIT H)

Tami Harlan, Chief Operating Officer, Division of Medical Services, DHS, presented this proposed rule change. Effective January 1, 2018, the existing PCMH Manual will be updated to implement recommendations from the Health Reform Task Force and to update thresholds in accordance with the PCMH State Plan Amendment. The public comments that were received have been taken under advisement.

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

Arkansas Department of Human Services, County Operations Division, Review of Rule Which Revises Medical Services Policy to Comply with Arkansas Works Waiver by Adding a Work Requirement to Arkansas Works Program and Decreasing the Eligibility Income Limit for the Program to 95% of the Federal Poverty Level (FPL) (Policies B-270, E-110, E-268, E-269, F-200, 2001, G-190, I 600, I-610, and Appendix F) (EXHIBIT I)

Mary Franklin, Director, Division of County Operations, and Dave Mills, Program Administrator, Division of Medical Services, both with Department of Human Services; presented this proposed rule change.

Mr. Mills stated that these proposed rule changes revises the Medical Services policy to comply with Act 6 of the First Extraordinary Session of the 91st General Assembly and the Arkansas Works Waiver; by adding a work requirement to the Arkansas Works Program, and decreasing the eligibility income limit for the program to 95% of the federal poverty level.

Brad Nye, Legal Counsel, Legislative Governmental Affairs, DHS, stated that promulgation of these rules is not premature, as they are run concurrently for federal and state approval.

Ms. Franklin agreed to furnish the members with complete, detailed information regarding the security breach of 2,000 Medicaid beneficiaries' personal information. She stated that all beneficiaries have been notified, and provisions have been put in place that will prevent this from happening again.

Arkansas Tobacco Settlement Commission, January-March 2017 Quarterly Report (Section 3 of Act 58 of 2017) (EXHIBIT J)

Matt Gilmore, Executive Director, Arkansas Tobacco Settlement Commission, presented the quarterly report, and it was reviewed by the committee members. Committee members had no questions following the review.

The meeting adjourned at 11:35 a.m.