

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

April 2, 2018

The House and Senate Interim Committees on Public Health, Welfare and Labor met Monday, April 2, 2018, at 10:00 a.m. in Committee Room A, MAC Building, Little Rock, Arkansas.

Public Health Senate Members Attending: Senators Cecile Bledsoe, Chair; Eddie Cheatham, Vice Chair; Lance Eads, Scott Flippo, and Missy Irvin.

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

Other Legislators Attending: Senators Alan Clark, Jonathan Dismang, Joyce Elliott, Trent Garner, Jim Hendren, and Jason Rapert. Representatives Fred Allen, Rick Beck, Charles Blake, Jana Della Rosa, Charlotte V. Douglas, Trevor Drown, Kenneth Ferguson, Jeremy Gillam, Michael John Gray, Grant Hodges, Steve Hollowell, Roger Lynch, Reginald Murdock, Marcus Richmond, Laurie Rushing, Johnny Rye, Matthew Shepherd, Brandt Smith, and James Sorvillo.

Comments by the Chairs

Senator Cecile Bledsoe called the meeting to order. Senator Bledsoe announced that on Thursday, April 12, 2018, 8:00 a.m.-9:00 a.m., the Arkansas Department of Health (ADH) will present Dr. Jerome Adams, the 20th U. S. Surgeon General, to speak at their weekly Grand Rounds event. The ADH has invited the members of the Public Health Committee to attend this event. If you plan to attend this event, please email Robert Brech at robert.brech@arkansas.gov no later than April 6, 2018.

Consideration to Adopt the February 5, 2018 Minutes (EXHIBIT C)

Without objection, the February 5, 2018 meeting minutes were adopted.

Update on Flu Outbreak (Handout #1)

Nate Smith, MD, MPH, Director, Arkansas Department of Health (ADH) and State Health Officer, and Gary Wheeler, M.D., Medical Director, ADH; presented an update on the flu outbreak. Dr. Smith stated that the peak of the flu season has passed. In Handout #1, Dr. Smith presented the following updated information on the Arkansas flu Outbreak:

- ❖ The cumulative number of flu deaths (210) since October 2017, and flu deaths for the past week (week 13)
- ❖ The number of flu-related ER visits for this week and the previous week
- ❖ The total number of flu-related hospital admissions since October 2017, and the number of hospital admissions for the past week (week 13)
- ❖ The current intensity level of the flu outbreak in Arkansas
- ❖ The current decline in school absenteeism
- ❖ Comparison of the flu-related mortality rate over the last 18 years
- ❖ Percentage of outpatient visits
- ❖ Weekly claims paid by Medicaid and Blue Cross/Blue Shield

At the last Public Health committee meeting, the committee suggested that the ADH collaborate with the media to inform the public that local health units are administering the flu shot free of charge. Dr. Smith stated that the ADH followed through on this suggestion, and there was an immediate increase in the number of people who got vaccinated in the health units.

Dr. Wheeler discussed the many different types of flu strains, and for this reason annual immunization is especially beneficial. New technology is currently evolving that will likely produce a better vaccine, however it will not be available for the upcoming flu season.

Senator Bledsoe turned the chair over to Representative Jeff Wardlaw.

Department of Human Services (DHS), Division of Provider Services and Quality Assurances, Review of Rule which Updates the Office of Long Term Care Process for Conducting Criminal Background Checks (DMS-736) for Employees of Long Term Care Facilities 303, 304, 305, and 306 (EXHIBIT E)

Craig Cloud, Director, and Dr. Victoria Evans, Assistant Director, both with the Division of Provider Services and Quality Assurances, DHS; presented this updated rule change.

The proposed updated rule changes are to bring Arkansas into compliance with current national FBI requirements for performing criminal background checks on long-term care employees and persons applying for employment within a long-term care facility. These proposed rule changes are a result of a recent audit by the Arkansas State Police, which showed this policy needed to be updated.

Representative Kim Hammer requested to know the percentage of disqualifications because of information revealed in background checks. Mr. Cloud said he would provide that information to the committee.

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

Department of Human Services (DHS), Division of County Operations, Review of Rule Change to Comply with the Arkansas Works Waiver, and Change the Medical Services Policy Manual, Sections A-210, B-500, D-372, and D-373 (EXHIBIT F)

Mary Franklin, Director, Division of County Operations, and Kelley Linck, Chief Governmental Liaison of Legislative Affairs, both with DHS; presented this proposed rule change.

The proposed rule changes will bring Arkansas into compliance with the Arkansas Works Waiver regarding retroactive coverage.

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

Department of Human Services (DHS), Division of Medical Services, Review of the Rule to Allow Chiropractic Service visits without a Primary Care Physician Referral for Arkansas Medicaid Beneficiaries, Chiropractic 1-17; Section 1-4-17 and State Plan Amendment 2017-012 (EXHIBIT G)

Tami Harlan, Chief Operating Officer, Division of Medical Services, and Kelley Linck, Chief Governmental Liaison of Legislative Affairs, both with DHS; presented the proposed rule change.

This proposed rule change would remove the requirement of a primary care physician (PCP) referral for Chiropractic Services for Medicaid beneficiaries. In accordance with Act 1092 of 2017, the effective dates of service are on or after January 1, 2018, and the proposed go-live date for this policy change is May 1, 2018.

The committee requested that DHS provide a cost comparison of primary care physicians to Chiropractic physicians. Ms Harlan said she would provide this information to the committee.

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

Department of Human Services (DHS), Division of Medical Services, Review of the Rule to Allow a Beneficiary to Receive Up to Four (4) Primary Care Visits Per State Fiscal Year; when Performed by either a Hospital-Based Walk-In or an Emergent Care Clinic without a PCP (Primary Care Physician) Referral, if the Beneficiary Has Not Been Assigned to a Primary Care Physician (EXHIBIT H)

Tami Harlan, Chief Operating Officer, Division of Medical Services, and Kelley Linck, Chief Governmental Liaison of Legislative Affairs, both with DHS; presented the proposed rule change.

The proposed rule change removes the requirement of a PCP referral to a hospital-based walk-in clinic or a hospital-based emergent care center if the beneficiary does not have an assigned PCP. Proposed effective dates of service are on or after May 1, 2018.

Senator Missy Irvin requested that the committee hold this rule until DHS can provide further information. The committee agreed to hold this rule.

Commission on Law Enforcement Standards & Training (CLEST), Review of Rule to Comply with Act 497 of 2017 which provides Commission Discretion in Granting Extensions of Time to Attend the Academy (EXHIBIT I)

Jami Cook, Director, Brad King, Deputy Director, and Wendy Yarbrough, Attorney, all with the Commission on Law Enforcement Standards & Training; presented this proposed rule change.

This proposed rule change is to bring the Law Enforcement Standards & Training manual into compliance with Act 497 of 2017; and to update the language in the Law Enforcement Standards & Training Manual.

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

Arkansas Tobacco Settlement Commission (ATSC), Review of Quarterly Report (Section B of Act 58 of 2017)

July 1, 2017 – September 30, 2017 (EXHIBIT J)

Matt Gilmore, Executive Director, Arkansas Tobacco Settlement Commission, presented the ATSC quarterly report. Mr. Gilmore presented progress summaries of the following groups:

- ❖ UAMS Centers on Aging (UAMS-COA)
- ❖ Arkansas Biosciences Institute (ABI)
- ❖ Fay W. Boozman College of Public Health (COPH)
- ❖ Tobacco Settlement Medicaid Expansion Program (TS-MEP)
- ❖ Tobacco Prevention & Cessation Program (TPCP)
- ❖ Minority Health Initiative (MHI)
- ❖ UAMS East Regional Campus

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

Consideration of an Interim Study Proposal (ISP) for Adoption and Study and for Referral to a Subcommittee of the Senate and House Public Health, Welfare and Labor Committees (EXHIBIT K)

ISP 2017-111 – “Requesting that the House Committee on Public Health, Welfare, and Labor Study Modifying Pharmacy Benefits Management Services within the Arkansas Works Program.”

Representative Kim Hammer, Sponsor. Senator Eddie Cheatham moved that this ISP be adopted for study during the interim. The motion carried. Representative Wardlaw stated this ISP will be referred to the Health Services Subcommittee.

Representative Jeff Wardlaw, announced to the committee that between now and October of this year, the Public Health Committee will be meeting four or more times a month. This is due to Act 781 of 2017, which requires this committee to review all agency rules. The completion date for these reviews is October 31, 2017. In addition, this committee will be having more off-campus meetings.

The meeting adjourned at 11:32 a.m.